

## 1. Introduction

1.1. In this submission, **Community Empowerment and Social Justice (CEMSOJ) Network, Himalayan Human Rights Monitors (HimRights) and Save Nepa Valley movement**<sup>1</sup> present key human rights challenges faced by indigenous Newar communities, particularly in the context of “development” projects in Nepal, and examine the compliance of the Government of Nepal with seven recommendations (in Annex 1) received during the 2<sup>nd</sup> UPR cycle of Nepal related to the rights of Newar and other indigenous nationalities. Newar (known as Newa in Nepal Bhasa/Newar language) is one of the 59 officially recognized indigenous nationalities (known as Adivasi Janajati in Nepal). They are native to Kathmandu valley and surrounding areas, which is considered their ancestral domain (Nepalmandal). They constitute at least 5% of total national population and their civilization plays an important role in Nepal’s cultural heritage.

1.2. The groups making this submission are particularly concerned that Nepal’s legislative processes and development policies and projects as well as private investments in the country violate the rights of indigenous Newar and other communities and their overall well-being. While those affected indigenous groups, particularly indigenous women, have limited participation in decision-making processes in Nepal’s State structures, we are further alarmed by restrictions on freedom of assembly in Nepal manifested through the use of excessive security force to suppress protests, which makes it further difficult for those groups to demand remedies for the harms they suffer.

1.3. In the sections below, while discussing the human rights challenges faced by indigenous Newar communities, our assessment demonstrates that the Government has failed to effectively or fully implement the recommendations related to the rights of indigenous peoples and freedom of assembly as well as redress for discrimination in post-earthquake reconstruction, among others. We accordingly draw specific, measurable and result-oriented recommendations to address to ensure sustainable development with respect for the rights of individuals and communities.

## 2. Guthi Bill and Encroachment of Newar Guthi Lands

2.1. In April 2019, the Government of Nepal proposed a Guthi Bill aimed to nationalize all Guthis – public and private, consolidate all the acts and amendments related to Guthis, replace the Guthi Sansthan (a Government corporation responsible for management of all Guthis in the country) and to regulate all religious sites. Guthis are social organizations that fulfil religious and socio-economic responsibilities through funds collected from cultivation of leased land.<sup>2</sup> They are indispensable for the culture and identity of Newar communities with their origin traceable back to the fifth century.

2.2. The Bill was criticized for being insensitive to and disregarding different kinds of Guthis and their functions in Newar society. Similarly, the Bill included ambiguous provisions about the proposed Guthi Authority to replace the existing Guthi Sansthan, which would be allowed to take over all rights and responsibilities of the Guthi and the existing members. The Bill would take precedence over all other rights, documents and past agreements, even court orders and allow anybody who has occupied Guthi land to acquire ownership certificates. Newar communities allege that if the Government nationalizes Guthis, it will cause a loss not only to centuries old Newar customs and traditions, but to history and Nepali civilization.<sup>3</sup> Thus, the Guthi Bill drew serious objection from members of Newar communities across Kathmandu valley, who held protests, mass meetings and rallies calling for immediate withdrawal of the Bill. Police initially tried to quell the protests by baton charging protestors and even using water cannon. However, the protests only got bigger.<sup>4</sup> On 19 June 2019, thousands of Nepalese took to the streets in Kathmandu demanding the Government scrap the Bill. As a result, the Government withdrew the controversial Guthi Bill from the Federal Parliament.<sup>5</sup>

2.3. In the follow up discussion of the Government on the Guthi Bill, the Unified Campaign against Guthi Bill has presented the bottom-line of Newar people calling for autonomy for the Guthi system existing

since ages in the ancestral domain of Newar communities as well as separate legal arrangement for Newar Guthi system that does not incorporate Guthi as only lands.<sup>6</sup> More recently, amid Coronavirus pandemic crisis, the government's decision to form a committee to provide suggestions on Guthi issues in relation to the Bill<sup>7</sup> has drawn criticisms from Newar organizations and groups for lack of consultation and information before such decision. While the government is planning to present a new Guthi bill in the parliament at the earliest, secrecy over its content as well as lack of meaningful participation in the drafting process has been continuing concerns of the Newar communities and Guthi representatives.<sup>8</sup>

**2.4. During the 2<sup>nd</sup> UPR cycle, Nepal received a recommendation to “strengthen the legislative and institutional framework for the promotion and protection of rights of indigenous peoples, in particular to ensure their full participation in society”, which it supported. However, the case of Guthi Bill, as explained above, demonstrates that the Government has failed to implement the recommendation in relation to the rights of indigenous Newar people to maintain and develop their customary land tenure system and social institution.**

2.5. At the same time, the Guthi lands have been continuously encroached and eroded at the hands of State, business and private actors, including due to recklessness or corruption of Guthi Sansthan officials and lack of effective legal protections and remedies. A recent representative example<sup>9</sup> is the **construction of a commercial Chhaya Center complex in Kathmandu's tourist district of Thamel on the lands including Kamal Pokhari (pond) and its surrounding areas, which originally belonged to and were used by a local Guthi.**<sup>10</sup> While the construction of the complex has been challenged in the Supreme Court – a case that has been sub judice for years now, a campaign to restore the Kamal Pokhari and surrounding lands has submitted information about violations of indigenous rights due to the construction of the complex to the country offices of the ILO and the UN as well as the relevant UN Special Procedures for their consideration and necessary actions.<sup>11</sup>

**2.6. Further, as described below, the Government has been encroaching upon the Guthi lands of Newars during illegitimate road expansion across Kathmandu valley as well as those in Khokana and Bungamati for construction of Fast Track highway and other infrastructure projects. Those cases of violations of rights of indigenous Newar communities in the name of “development” are evidence that the Government has failed to effectively implement the recommendation it received in the 2<sup>nd</sup> UPR cycle to “continue its efforts in adopting development policies which meet the needs of the people and improve the standard of living of the citizens in order to protect and promote human rights”.**

### **3. Illegitimate Road Expansion in Kathmandu Valley**

3.1. The Government of Nepal has undertaken a major road widening drive under the Kathmandu Valley Road Improvement Project that has led to mass and forced eviction of predominantly Newars, among other locals. Under the project reportedly supported by China and the Asian Development Bank, some 15,000 houses had already been demolished and 15,000 more were at risk as of 2017 while at least 140,000 people, including women, children and older persons, are affected directly and indirectly as per a household survey.<sup>12</sup> The project has been carried out without consultation with the affected communities to obtain their Free, Prior and Informed Consent, or any social, cultural or environmental impact assessments or compensation and rehabilitation plans for forced expulsion as required under the Land Acquisition or the Right to Information Acts of Nepal. Numerous cultural heritage sites, including temples, *Chaityas* (stupas), monasteries and sacred sites such as Guthi (religious or cultural trust) lands and houses, have also been destroyed or at risk due to the road expansion.<sup>13</sup>

3.2. The road widening had continued unabated despite concerns raised by the National Human Rights Commission of Nepal<sup>14</sup> and several interim orders issued by the Supreme Court stating that it would cause irreparable harm. That culminated into a final Court ruling in September 2017 ordering the Government to move ahead with the road expansion drive only after acquiring the land to resettle the

affected families and providing them proper compensation.<sup>15</sup> The Government had appealed for a review of the verdict, which the Court quashed in 2019.<sup>16</sup> However, although the Government of Nepal has halted road widening after the verdict in lack of adequate budget to provide compensation or is only carrying out road expansion and improvement in sections already demolished<sup>17</sup>, local governments have reportedly continued forced road widening actions in some road section without consultation with and compensation for affected families. For example, such **road widening actions of Kirtipur municipality** (south-west of Kathmandu) have resulted in protests and opposition by local communities – predominantly Newar.<sup>18</sup>

3.3. In 2017, three UN Special Rapporteurs had communicated with the Government of Nepal expressing concerns that forced evictions, displacement and violations of the human rights of the Newar communities continue to take place despite repeated efforts to bring these violations to the attention of the Government.<sup>19</sup> The Special Rapporteurs have called for clarification from the Government on the allegations and the measures taken to protect the rights of the Newar communities, which the Government has not yet responded to.

3.4. The affected families organized under the Kathmandu Valley Road Expansion Victim Struggle Committee have continuously mobilized and staged demonstrations against the road expansions in various areas of Kathmandu valley - often facing off the incoming bulldozers. In 2016, at one such protest, the Government deployed large number of armed police while several protestors were injured and four arrested.<sup>20</sup> Similarly, in 2018, when the road expansion affected families, together with other Newar communities affected by “development” projects, organized a peaceful rally in Kathmandu, police brutally repressed the demonstration injuring at least six protestors when they fired seven rounds of tear gas and used water cannon.<sup>21</sup> **Such use of brutal police repression demonstrates that the Government has failed to implement the recommendation it received during the 2<sup>nd</sup> UPR cycle to “ensure that freedom of assemblies is guaranteed and lift all restrictions on peaceful protests”.** Further evidence of restrictions on peaceful protests are also described in the sections below.

#### **4. Kathmandu – Terai/Madhes Fast Track and other projects in Khokana and Bungamati**

4.1. The Fast Track (Expressway) Project is a mega highway project considered as an “infrastructure of national pride” being constructed in Nepal. The 72.5 km long Fast Track runs along the Bagmati River corridor and is expected to cut the travel distance from the capital Kathmandu to the south of the country by 159 km as per existing roads.<sup>22</sup> The Fast Track is particularly contentious among indigenous Newar communities of Khokana and Bungamati towns in Lalitpur where some 6 km of the Expressway will slice through farms and Guthi (religious and cultural trust) lands as well as ritual routes and sites of locals.<sup>23</sup> The communities have been concerned about devastating impacts on their lands, livelihoods and cultures, among others, due to the Fast Track that they have repeatedly raised in petitions to and discussions with the relevant authorities, including the National Human Rights Commission.<sup>24</sup> However, their concerns have not been addressed even in the recently revised alignment of the Fast Track endorsed by the Government in September 2019.<sup>25</sup>

4.2. As noted during the the Environmental Impact Assessment (EIA) of the Fast Track that was undertaken following a feasibility study supported by the Asian Development Bank (ADB), “there was significant objection” to taking productive agricultural land for the Fast Track Highway in Khokana,<sup>26</sup> where the locals had at different times in the past given up their lands for various purposes but not often utilized accordingly<sup>27</sup>. As per the EIA report, the alignment on the west bank of the Bagmati River has significant advantages that avoid valuable agricultural lands in Khokana. The official copy of the EIA report is yet to be received from the Government authorities despite repeated requests by the affected families’ representatives. Besides the Fast Track, **Kathmandu Outer Ring Road**<sup>28</sup>, **Bagmati River Basin Improvement Project** (Bagmati Corridor)<sup>29</sup> and **Thankot-Bhaktapur Transmission Line Project**<sup>30</sup> (construction of which has been halted in Khokana since 2004 due to community opposition) are other infrastructure projects, which concern the communities. The latter two are also ADB-financed

projects. The Government has also planned to build a “**Smart City**” in Khokana and Bungamati area – one of four such new cities proposed around Kathmandu valley with the aim to settle more than a million people. The communities' representatives claim that those projects together will displace the Newar community of the area entirely, whose have been affected due to land acquisitions for various public purposes at different times in the past.<sup>31</sup>

4.3. The Government decided to give the responsibility of construction of the Fast Track to the Nepali Army in April 2017.<sup>32</sup> Subsequently, the construction was started in other sections of the Fast Track although the Detailed Project Report was only approved in 2019 while it is yet to acquire the necessary land plots in Khokana and Bungamati.<sup>33</sup> Involvement of the Army in the project has led to insecurity and fear among Khokana and Bungamati locals opposing the project. It has also raised questions about the role of the Army in construction works vis-à-vis its influence in other sectors not related to security as well as corruption in the project (the cost of which has increased from USD 963 million to USD 1.75 billion) with involvement of some high-level officials of the Army, which is above the anti-corruption laws of the country.<sup>34</sup>

4.4. Khokana, where the zero point of the Fast Track is proposed and the project faces the greatest opposition, is a small historical indigenous Newar town. With its medieval settlement pattern, it is also widely known for its traditional mustard-oil seed industry and was proposed as a UNESCO World Heritage in 1996.<sup>35</sup> Majority of the locals are farmers dependent on agriculture and the land is the most essential part of life and livelihood for Khokana locals. But Khokana stand to lose almost 60% of its fertile farmland and much of its heritage to the new infrastructure projects.<sup>36</sup> That will result in extreme difficulty for the people as they will not be able to sustain their life. At the same time, the Fast Track will encroach upon several ritual and sacred sites, historical and archaeological areas, temple fields/courtyards, funeral area or cremation site, cultural circuits and holy pond as well as displace various Guthi lands fully or partially in Khokana and Bungamati.

4.5. Over the years, Khokana and Bungamati locals have organized various gatherings, protests and demonstrations to express their opposition to the Fast Track project. In one such protest in March 2018, as mentioned above, Nepal Police brutally repressed the peaceful demonstration of Khokana and Bungamati locals against the Fast Track Project together with the road expansion affected families from across Kathmandu valley. At least six protestors were injured when police fired seven rounds of tear gas and used water cannon at the peaceful rally in capital Kathmandu.<sup>37</sup> Nepal Police has also intervened in protests in Bungamati near the project site with heavy force and with presence of Nepali Army officials<sup>38</sup> while the protests outside the army camp in Khokana have also run high with tension with locals fearful of armed military officials.<sup>39</sup> International human rights organizations have voiced concerns against the violations of the rights of the communities in Khokana and Bungamati, including against the violent response in the peaceful protests.<sup>40</sup>

4.6. In February 2020, the locals have filed a writ petition in the Supreme Court stating that the mega projects would end the ancient civilization of Khokana and Bungamati and calling to save the traditional settlements.<sup>41</sup> However, the Court have repeatedly postponed hearings on the petition. They have also called on the country offices of the UNESCO, the ILO and the UN to take actions to draw the attention of the Government for halting the projects and preservation of cultural heritage in Khokana.<sup>42</sup> Most recently, in July, a clash erupted between Khokana locals and police when the authorities intervened in a “paddy transplantation protest” organized by the locals, supported by rights activists from across Kathmandu valley, at the zero point of the Fast Track. Over a dozen protestors were injured when police lobbed tear gas shells and charged batons while four police personnel were also injured.<sup>43</sup>

## **5. Ongoing Construction of Dry Port in Chobhar**

5.1. Under the World Bank financed Nepal-India Regional Trade and Transport Project<sup>44</sup>, the Government of Nepal is building a dry port at Chobhar in southern Kathmandu. After significant delays

in the project<sup>45</sup>, Nepal's Prime Minister inaugurated the construction of the dry port in January 2019 despite protests from the local community – predominantly indigenous Newar. Fifty-two protestors were arrested for peacefully protesting at the inauguration where around 150 locals had gathered to oppose the Government's forceful move to destroy the area of historical, cultural and environmental significance without fair acquisition of the land of the locals for the construction of the dry port.<sup>46</sup> The site of the dry port had been previously occupied by Himal Cement Factory, which was closed in 2002 due to locals' concerns about environmental pollution and mismanagement of the company. Four years ago, the Government made an agreement to acquire Himal Cement's land at Chobhar to build the port and an exhibition area over an area of more than 40 hectares. According to a 2013 agreement with the World Bank, the Government would finish constructing the port by 2019 but the project deadline has been recently extended to March 2022.<sup>47</sup>

5.2. Besides public protests, the locals under Chobhar Protection Committee has filed complaints with the concerned local and national authorities and filed writ petitions in Nepal's courts since 2006 for return of their lands from then Himal Cement Factory as well as stating concerns against the dry port. They have also informed of their concerns to the World Bank project management in the country office. However, despite various meetings, the Board and the Bank by December 2019 largely dismissed or put off all the valid concerns of the locals to push ahead with the project. Most recently, in April 2020, the Committee has filed a complaint with the Inspection Panel – the independent complaint mechanism of the World Bank alleging failure to uphold free, prior and informed consent of the affected communities for the project, among other violations, and thus has called on the Bank to immediately stop disbursement of budget as well as all construction activity and adopt an alternative plan for the dry port.<sup>48</sup> In May, the Inspection Panel registered the complaint and has been looking into it for further process.<sup>49</sup>

## **6. Legislative and Institutional Framework of Nepal**

6.1. Indigenous peoples' organizations and supporting human rights organizations have consistently alleged that the current 2015 Constitution of Nepal has been drafted without direct and meaningful participation of indigenous peoples ignoring the relevant recommendations from various UN mechanisms as well as international human rights obligations of Nepal. Thus, despite various agreements with indigenous political and social groups by the Government of Nepal, the Constitution has failed to ensure their rights to self-determination through autonomy and self-governance, and to their lands, territories and resources, among others.<sup>50</sup> State security forces were deployed, particularly against Madhesi and indigenous Tharu protestors in southern Nepal to suppress their opposition when adopting the Constitution. That resulted in 55 persons killed and many charged falsely for breaching law and order or homicide and other criminal charges.<sup>51</sup>

6.2. The Constitution gives undue recognition and protection to the Khas Arya (Hindu caste Bahun, Chhetri, Sanyasi and Thakuri) groups that constitute 28 per cent of Nepal's population but have their share of participation in civil service at more than double of their total population.<sup>52</sup> That is despite the increase in the participation of women, indigenous nationalities, Dalits, Madhesis and other marginalized groups in the public service due to a 2007 amendment to the Civil Service Act mandating reservations for those groups in 45% of the vacant posts filled through open competition. However, the Government has not made serious effort to diversify the public service and arguably has been reversing or ignoring legal provisions. For example, more recently, in May 2019, the Public Service Commission hosted one of the largest recruitment programs for over nine thousand vacancies for local bodies – off which only 2,262 were advertised as reserved violating the 45% quota that the Commission managed to push thru by evoking "principle of necessity".<sup>53</sup>

6.3. On the other hand, while the 2015 Constitution states that all languages spoken as the mother tongues in Nepal are the languages of the nation (Article 6), it only recognizes the Nepali language in the Devanagari script as the official language of Nepal, and provides that a province may, by a provincial law, determine one or more than one languages of the nation spoken by a majority of people within the

province as its official language(s) in addition to the Nepali language, whereas other matters relating to language shall be decided by the Government of Nepal on recommendation of a Language Commission. While the Commission tasked with recommending official languages to federal and provincial governments has yet to get full shape three years into its five-year term, it has yet to suggest criteria for recognition of official languages and the Nepali State is yet to adopt multilingual policy although some local governments have adopted indigenous/local languages as their official languages (such as Nepal Bhasa in Kirtipur municipality).<sup>54</sup>

**6.4. During the 2<sup>nd</sup> UPR cycle, Nepal received a recommendation to “strengthen the legislative and institutional framework for the promotion and protection of rights of indigenous peoples, in particular to ensure their full participation in society”, which it supported. However, as demonstrated above, the Government has not been able to implement this recommendation.**

6.5. Further, Article 31(5) of the 2015 Constitution guarantees that the right of every Nepalese community residing in Nepal to get education in its mother tongue and for that purpose to open and operate schools and educational institutions in accordance with law. However, despite constitutional guarantee and corresponding national legal framework as well as various studies showing support and success of mother-tongue based multilingual education<sup>55</sup>, the Government has only been able to use 69 mother tongues – off a total of 123 languages spoken in Nepal – as the medium of instruction for 600,000 students in 35,000 schools across the country<sup>56</sup>. As many as 80 languages are spoken by various indigenous communities while only four languages are spoken by more than 10,000 people and all other languages are under the risk of becoming extinct – off them, 30 languages are spoken by less than 1,000 people. These languages will soon vanish if greater efforts are not put in place to preserve them.<sup>57</sup> **This demonstrates that the Government has not been able to fully implement the recommendation it received and supported during the 2<sup>nd</sup> UPR cycle to “continue to pursue policies that will increase enrolment in schools of school-going aged children, in particular girls, and children from indigenous communities and minorities” as it has not invested adequate resources to expand mother-tongue based multilingual education policy that promotes enrolment in schools for indigenous children.**

6.7. Furthermore, Nepal voted in favour of the adopting the UN Declaration on the Rights of Indigenous Peoples (UNDRIP) at the UN General Assembly in 2007 and is also the only Asian country to ratify the Indigenous and Tribal Peoples Convention, 1989 (No. 169) of the International Labour Organization (ILO). While Nepal’s Constitution and laws are not in line with those international human rights standards for indigenous peoples, Nepal is yet to formulate necessary laws, policies and action plans or amend existing laws to confirm with or implement those international obligations even after more than a decade since voting in favour of the UNDRIP or ratifying the ILO C169. In 2017, a writ petition has been filed at the Supreme Court calling to direct the Government to fulfil those human rights obligations but the Court has yet to decide on the petition.<sup>58</sup> **In its 2<sup>nd</sup> UPR cycle, Nepal received a recommendation to “continue to ensure the implementation of ratified human rights treaties”. However, as demonstrated above, it is yet to formulate necessary laws, policies and plans to ensure implementation of the ILO Convention 169 that it ratified more than a decade ago. Thus, the implementation has not been implemented.**

## **7. Post-Earthquake Reconstruction and Destruction of Cultural Heritage**

7.1. After the 2015 Nepal earthquake that killed nearly 9,000 and injured around 25,000 people, the Newar community has found itself disadvantaged by the reconstruction policies set forth by the Government while they were among the most affected population.<sup>59</sup> Most houses destroyed by the earthquake in core urban areas of Kathmandu belong to Newars. The Government policy allocates NPR 300,000 (approx. USD 3,000) for reconstruction and Rs 100,000 (approx. USD 1,000) for reinforcement of damaged houses after initial emergency support.<sup>60</sup> As per the government directives, the reconstruction

grant is disbursed in three instalments after laying of the concrete foundation, erection of pillars and completion of house respectively. The sum is gravely inadequate to build houses with two ground floor rooms in rural areas while it is barely enough to remove the debris of damaged houses in the core urban areas. Accordingly, of the 7395 houses fully damaged by the earthquake in Kathmandu Metropolitan City, while 83% had taken the first instalment of the housing grant, last instalments have been collected for only 20% of the houses and another 23% have taken second instalments.<sup>61</sup> At the same time, many who took the grant have returned it as it was not adequate and the directives were hard to abide by.<sup>62</sup> That indicates that the Government policy and directives do not reflect the realities of Newar people living in urban areas. Many studies identify Newars as one of the most privileged ethnic groups of Nepal. However, those studies do not take into account urban poor Newars – many of whom hardly own 500 sq. feet of land while living in joint families of three to four brothers and with a tradition to upkeep intangible cultural heritage of festivals, rituals, and feasts linked to the World Heritage sites of Kathmandu valley.<sup>63</sup>

7.2. Further, traditional housing structure of Newars is different from other communities, whereby they live in courtyards surrounded by houses of mostly joint or extended families – often within narrow alleys. After the earthquake, many government enumerators and engineers did not dare to enter most of these dilapidated courtyards and alleys, or information was collected hastily and haphazardly resulting in inaccurate data. Thus, inaccurate data collection during the first phase of study after the earthquake has led to the inefficient distribution of relief grants. With 60% of data collected in old settlements incomplete and only based on consultations with ward offices<sup>64</sup>, genuine victims have not been identified, which has significantly slowed the process of relief distribution and disadvantaged the Newar communities living in those settlements. The incomplete data is especially inimical since Newar settlements often have old and complex land ownership, whereby some of the multi-storey houses have different ownership by floor in lack of acceptable leaner division in the past. In such context, distribution of housing grants for sharing among owners is not clear and the reconstruction process is even more jarring.

7.3. Another major problem that has surfaced during distribution of post-earthquake relief or reconstruction grants is the fact that marginalized Newar community members often have no proof of land ownership even though they have lived in the same lands for generations and thus are not eligible for relief collection. This has caused at least 100 Newars outside Kathmandu left cold and deserted without support during the winter when the government distributed relief to buy warm clothes as found in a HimRights study. The other problem faced by Newars in receiving reconstruction grants is the fact that the Government directive that identifies “the earthquake-affected families that did not have separate households (separate ancestral property or kitchens) before 25 April 2015 were only considered as a single household unit/family of beneficiaries”. This is discriminatory against the Newar population since most Newars live in joint families and associate pride in such family structure.

7.4. Furthermore, Newars, as a collective, have been all but excluded from meaningful consultations and participation in policies of the Government for reconstruction of historical and cultural sites of Kathmandu valley although the seat of Nepal’s central government is in Kathmandu. As a result, the communities had to put up a fight against local and national authorities to obtain their rightful responsibilities and participation in rebuilding some of the historic sites.<sup>65</sup> On the other hand, the concerned authorities have harmed communal properties and public spaces of Kathmandu in course of post-earthquake reconstruction while those properties and spaces have been subjected to continued encroachment even by State bodies. For example, in the reconstruction of **Dharahara**, a historical tower in Kathmandu destroyed by the earthquake that will be replaced by a another taller tower constructed nearby, the local Newars and cultural heritage activists have shown disapproval as the construction blocks the traditional Upaku pathway of the city.<sup>66</sup> However, the National Reconstruction Authority is yet to present a long-term plan for respect of cultural rights by preserving the pathway and nearby historical Luhiti or Sundhara (Golden stone spout) in the reconstruction of Dharahara complex.<sup>67</sup>

**7.5. During the 2<sup>nd</sup> UPR cycle, Nepal received a recommendation to “develop a redress mechanism to address all forms of discrimination and human rights violations in post-earthquake**

**reconstruction efforts” which it supported. However, the above context of post-earthquake reconstruction efforts in Kathmandu in relation to indigenous Newar people indicate that the Government has failed to fully implement the recommendation.**

## **8. Recommendations to the Government of Nepal**

8.1. The groups making this joint submission call for the following specific recommendations to be made to the Government of Nepal to guarantee sustainable development in the country that is respectful of rights of individuals and communities.

- a. The Government should recognize the rights of indigenous peoples to maintain and develop their own customary systems and institutions such as Guthi of Newars with separate legal arrangement and autonomy for Guthis, including full ownership and control of their lands and resources and management of their internal and local affairs.
- b. The Government, in conjunction with the concerned indigenous communities and their customary and representative institutions such as the Guthis of Newars, should undertake appropriate measures to identify, demarcate and title their traditional lands and resources as well to return such lands and resources lost by the communities to State, business or other actors, where feasible, or provide effective remedy for such loss if return is not possible.
- c. In the context of “development” projects such as Kathmandu Valley Road Improvement Project, Kathmandu – Terai/Madhesh Fast Track Project, Kathmandu Outer Ring Road, Smart Cities, Bagmati River Basin Improvement Project, Thankot – Bhaktapur Transmission Line Project and Chobhar Dry Port affecting indigenous Newar and local communities, the Government, in line with the recommendations of the Committee on the Elimination of Racial Discrimination (CERD)<sup>68</sup>, Committee on Economic, Social and Cultural Rights (CESCR)<sup>69</sup> and the Special Rapporteur on the rights of indigenous peoples<sup>70</sup>, should
  - i. adopt appropriate measures to ensure that the concerned indigenous communities are meaningfully consulted, through their own representative institutions, and to obtain their Free, Prior and Informed Consent (FPIC) before launching any development project as well as in the planning and undertaking of such project that affects their traditional land or resources.
  - ii. provide redress to the communities or affected families for their loss of land or access to natural resources (such as fair and adequate compensation for those forcibly evicted or whose houses were demolished for road expansion or return of land already seized for Fast Track highway) incurred without their free, prior and informed consent when that loss has occurred by the establishment of development projects’.
- d. With regards to private and communal lands and resources of Newars and other indigenous communities acquired in the past for various State such as in relation to the Chobhar dry port, business or other projects, the Government should return them to the original landowners if those lands and resources are not used in their original purpose or the concerned landowners or communities do not agree with the changed purpose of the land or resource use in line with national and international legal obligations of Nepal.
- e. The Government should, in conjunction with representative institutions of indigenous peoples, undertake a comprehensive program for amendments to the constitution and existing laws or formulation of necessary new laws, policies and plans for implementation of Nepal’s commitments under the ILO Convention 169 and the UNDRIP. Such program should particularly ensure the rights of indigenous peoples to their lands, territories and resources, to development and to self-determination, including for indigenous women, in line with the recommendation of the Committee on the Elimination of Discrimination against Women (CEDAW)<sup>71</sup>.
- f. The Government should halt reversal of affirmative measures such as existing legal provisions for reservation/quota for indigenous peoples and other marginalized groups and should strengthen



implementation of those provisions to ensure access by members of marginalized indigenous communities, particularly indigenous women, to employment in civil service and public institutions.

- g. The Government should immediately adopt multilingual policy for its official languages at federal, provincial and local governments with provision of necessary resources to promote use local indigenous languages in its works.
- h. The Government should invest more resources to promote mother-tongue based multilingual education in public/community schools as well as to support indigenous communities or their representative institutions to set up their own educational institutions and systems.
- i. The Government should undertake targeted measures with provision of adequate resources to support marginalized groups such as indigenous peoples in post-earthquake reconstruction of their private and communal properties with meaningful consultation with the concerned communities to obtain their consent on the reconstruction policies.

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<sup>1</sup> CEMSOJ is an apolitical, informal and not-for-profit network of human rights and development activists. Founded in 2015, it works mainly for socio-economic empowerment and promotion of social justice and human rights of marginalized groups of Nepal, including indigenous peoples, Madhesis, Dalits, persons with disabilities, rural people and urban poor – with particular focus on women, children and youth of those groups, towards a just and peaceful society.

**HimRights** is a non-partisan, and non-profit organization founded in 1999 with the commitment to promote justice, equity and inclusion and to ensure the human rights of marginalized people, defend the rights of poor, marginalized and socially excluded communities and individuals, with a special focus on women, children and youth.

**Save Nepa Valley movement**, initiated in 2017, is a youth-led affiliation of activists, who advocate for an alternative and comprehensive development that respects human rights of all citizens, instead of exclusive infrastructure building, commercialization and urbanization that only serves the interests of a select few in power.

<sup>2</sup> <https://www.nepalisansar.com/news/nepal-guthi-bill-2019-history-provisions-protests/>

<sup>3</sup> [https://www.culturalsurvival.org/news/indigenous-peoples-force-withdrawal-guthi-bill-nepal:](https://www.culturalsurvival.org/news/indigenous-peoples-force-withdrawal-guthi-bill-nepal;)

<https://thehimalayantimes.com/kathmandu/government-withdraws-the-guthi-bill/>

<sup>4</sup> <https://www.aljazeera.com/news/2019/06/thousands-nepal-protest-cultural-guthi-bill-190619121216425.html>

<sup>5</sup> <https://thehimalayantimes.com/nepal/government-withdraws-controversial-guthi-bill/>. It should also be noted that the Guthi Bill is only the latest challenge faced by Newar Guthi system, which is a social management customary institution with land endowments for religious and cultural purposes. The ancient and unique practice that sustained the agrarian Newar community had been passed down for generations. At various points in Nepal's history, both the State and its rulers have occupied or nationalized Guthi-endowed lands for personal or state use – such as for Rana-era palaces, Government buildings, etc. That have wiped out many Guthis and resulted in financial crises impacting heritage conservation. In 1964, when the Guthi Sansthan was created to nationalize all Guthi lands to generate revenue by leasing them out, there was little opposition then as public unrest was easily suppressed those days. Today, the Sansthan currently oversees 1.45 million ropanis of land across the country with some 2,335 public Guthis under it. The Sansthan still doles out the same amount of money that it did in the '60s causing serious financial burdens for the Guthis and the heritage preservation they entail.

<https://kathmandupost.com/valley/2019/06/14/everything-you-need-to-know-about-the-guthi-bill>

<sup>6</sup> <https://pahilopost.com/content/20200106180036.html> [In Nepali]

<sup>7</sup> <https://english.onlinekhabar.com/govt-forms-team-to-recommend-suggestions-on-guthi-issues.html>

<sup>8</sup> <https://theannapurnaexpress.com/news/secretcy-over-the-new-guthi-bill-adds-to-old-suspicion-2236>

<sup>9</sup> Another example is the recent decision of the Guthi Sansthan to demolish the medieval religious, commercial and residential complex of **Kothunani**, including the Ashok Briksha Vihara (Buddhist temple) dating back to the 12<sup>th</sup> century, in Asan – the historical economic center of Kathmandu. The decision involves renting out the complex belonging to a local Guthi to a private company for 25 years to replace it with a corporate building. As a result, the local Newars and others as well as cultural heritage activists have agitated against the decision, including through demonstrations and collection of signatures of around 15,000 people against the Guthi Sansthan decision. See <http://therisingnepal.org.np/news/31048>; <https://www.youtube.com/watch?v=ZIpwVZVrFfE&feature=youtu.be> (in Nepal Bhasa)

<sup>10</sup> The pond covering the land was gradually encroached upon and privatized by a dictatorial Rana ruler and his inheritors, including influential businesspeople, over more than a century. Despite wide public criticism and protracted court battles, the cultural heritage of the pond has now been replaced by a multiplex tower that local Newars and cultural activists have challenged in the Supreme Court to be demolished on the basis of historical evidence while the Court has repeatedly postponed and delayed hearings on the case sub judice for years now. See <https://myrepublica.nagariknetwork.com/news/how-kamalpokhari-land-morphed-into-chhaya-center/>; <https://myrepublica.nagariknetwork.com/news/117-year-battle-to-save-thamel-s-kamalpokhari/>; <https://www.corporatenepal.com/2020/01/160742/> [In Nepali]

<sup>11</sup> <https://cemsoj.wordpress.com/2020/05/03/campaign-to-restore-archaeological-kamal-pokhari-in-thamel-urges-ilo-and-un-to-protect-rights-infringed-due-to-construction-of-chhaya-center/>

<sup>12</sup> UA NPL 3/2017 <https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?gId=23122>

<sup>13</sup> <https://archive.nepalitimes.com/article/Nepali-Times-Buzz/bulldozing-cultural-heritage.3525;>  
<https://www.indigenousvoice.com/en/why-kathmandu-indigenous-newar-people-are-protesting-road-widening%C2%A0.html>

<sup>14</sup> in 2016, the National Human Rights Commission of Nepal had raised concerns over violations of the right to property by the State, undertaken against the spirit of the Supreme Court stay order and interim order related to the road expansion in Kathmandu valley. It urged the Government of Nepal to act or cause to act in accordance with the values and spirit of the Supreme Court and ensure that individual's dignity of life and the right to shelter be respected. However, the Government is yet to act on the recommendation. See [www.nhrcnepal.org/nhrc\\_new/doc/newsletter/Nepal\\_NHRC\\_Press\\_Release\\_Kalimati\\_Local\\_People\\_Building\\_Eng\\_9\\_June\\_2016.pdf](http://www.nhrcnepal.org/nhrc_new/doc/newsletter/Nepal_NHRC_Press_Release_Kalimati_Local_People_Building_Eng_9_June_2016.pdf). Also, in 2017, in a statement at the UN, the NHRC also noted that 'indigenous peoples in Nepal continue to face serious threat to their lives and properties in development activities such [...] road expansion and constructions and proper management of graveyard sites [...] and urbanizations. They often face intimidation, tortures, displacement, forced eviction that result negative consequences toward their identity, life and security'. See NHRC Statement at EMRIP on 11 July 2017 [www.nhrcnepal.org/nhrc\\_new/doc/newsletter/933038606NHRC\\_Hon\\_Commissioner\\_Mohna\\_Ansari\\_HRC\\_10th\\_Session\\_on\\_%20EMRIP\\_Geneva\\_11\\_July\\_2017.pdf](http://www.nhrcnepal.org/nhrc_new/doc/newsletter/933038606NHRC_Hon_Commissioner_Mohna_Ansari_HRC_10th_Session_on_%20EMRIP_Geneva_11_July_2017.pdf).

<sup>15</sup> <https://newbusinessage.com/Articles/view/6616;>

<sup>16</sup> <https://thehimalayantimes.com/nepal/supreme-court-verdict-to-escalate-cost-of-road-expansion-projects/>

<sup>17</sup> <https://kathmandupost.com/valley/2020/01/08/road-office-says-halted-expansion-work-to-continue-in-whatever-space-is-available>

<sup>18</sup> <https://kirtionline.com/2020/02/1724/> [In Nepali]

<sup>19</sup> <https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?gId=23122>

<sup>20</sup> <https://www.lahurnip.org/news-details/35.html>

<sup>21</sup> [https://thehimalayantimes.com/kathmandu/locals-stage-protest-against-road-expansion/;](https://thehimalayantimes.com/kathmandu/locals-stage-protest-against-road-expansion/)  
<https://www.efe.com/efe/english/world/police-use-water-cannon-to-disperse-hundreds-of-protesters-in-kathmandu/50000262-3567258#>

<sup>22</sup> <https://www.nepalarmy.mil.np/fasttrack/home>

<sup>23</sup> [https://www.nepalitimes.com/banner/our-land-is-us-we-are-our-land/;](https://www.nepalitimes.com/banner/our-land-is-us-we-are-our-land/) <https://www.recordnepal.com/wire/fast-track-brings-fear-of-displacement-to-khokana/>

<sup>24</sup> <https://cemsoj.wordpress.com/2016/09/26/khokana-newars-complaint-nhrc-human-rights-fast-track-highway/>

<sup>25</sup> <https://thehimalayantimes.com/nepal/kathmandu-tarai-fast-track-dpr-okayed/>

<sup>26</sup> <http://www.mopit.gov.np/files/download/Printed%20EIA%20report%20of%20Fast%20Track%20Jestha%202072.pdf>

<sup>27</sup> One such example is the acquisition of around 400 ropanis of land in Khokana undertaken by the Nepali Army few decades ago for a paragliding project, which was never utilized accordingly but most of the land was later sold to a buyer. See <https://cemsoj.wordpress.com/2016/09/26/khokana-newars-complaint-nhrc-human-rights-fast-track-highway/>

<sup>28</sup> <http://kathmandupost.ekantipur.com/news/2017-01-25/works-on-chobhar-satungal-stretch-to-start-in-feb.html>

<sup>29</sup> <https://www.adb.org/projects/43448-013/main>

<sup>30</sup> <https://www.adb.org/projects/documents/rural-electrification-distribution-and-transmission-project-resettlement-plan-thankot>

<sup>31</sup> [https://www.nepalitimes.com/banner/our-land-is-us-we-are-our-land/;](https://www.nepalitimes.com/banner/our-land-is-us-we-are-our-land/) <https://www.recordnepal.com/wire/fast-track-brings-fear-of-displacement-to-khokana/>

<sup>32</sup> <https://kathmandupost.com/national/2017/08/12/fast-track-project-handed-over-to-army-officially>

<sup>33</sup> <https://thehimalayantimes.com/nepal/kathmandu-tarai-fast-track-dpr-okayed/>

<sup>34</sup> [https://www.recordnepal.com/wire/fast-track-brings-fear-of-displacement-to-khokana/;](https://www.recordnepal.com/wire/fast-track-brings-fear-of-displacement-to-khokana/)  
<https://www.recordnepal.com/perspective/opinions/occupy-tundikhel-help-democratize-the-nepal-army/>

<sup>35</sup> <https://whc.unesco.org/en/tentativelists/844/>

<sup>36</sup> <https://www.nepalitimes.com/banner/our-land-is-us-we-are-our-land/>

<sup>37</sup> [https://thehimalayantimes.com/kathmandu/locals-stage-protest-against-road-expansion/;](https://thehimalayantimes.com/kathmandu/locals-stage-protest-against-road-expansion/)  
<https://www.efe.com/efe/english/world/police-use-water-cannon-to-disperse-hundreds-of-protesters-in-kathmandu/50000262-3567258#>

<sup>38</sup> <https://kathmandupost.com/valley/2018/07/08/after-khokana-bungamati-protests-expressway-works;>  
<https://www.facebook.com/SaveNepaValley/videos/1071348846352075/?v=1071348846352075>

<sup>39</sup> <https://www.recordnepal.com/wire/fast-track-brings-fear-of-displacement-to-khokana/>

<sup>40</sup> [http://www.humanrights.asia/news/ahrc-news/AHRC-STM-020-2018/;](http://www.humanrights.asia/news/ahrc-news/AHRC-STM-020-2018/) <https://iphndefenders.net/nepal-stop-use-violence-indigenous-newar-community-uphold-their-rights-peaceful-assembly/>

<sup>41</sup> <https://cemsoj.wordpress.com/2020/02/13/the-struggle-to-save-khokana-and-bungamati/>

<sup>42</sup> <https://cemsoj.wordpress.com/2020/04/01/unesco-ilo-and-un-nepal-office-called-to-take-actions-against-displacement-of-newars-in-khokana-and-bungamati-due-to-fast-track-highway-and-other-projects/>

<sup>43</sup> <https://kathmandupost.com/visual-stories/2020/07/04/four-policemen-injured-in-clash-with-locals-in-khokana>

<sup>44</sup> <https://projects.worldbank.org/en/projects-operations/project-detail/P144335>

<sup>45</sup> <https://www.sasec.asia/index.php?page=news&nid=949&url=prep-work-chobhar-dry-port>

<sup>46</sup> The main concern of the affected locals is that the proposed dry port would go through the land of more than 200 people, predominantly indigenous Newars, whose lands were acquired for the Himal Cement Factory but have not agreed to the dry port. They have been demanding return of their land since the shutdown of the Factory as per Nepali laws while additional lands are also being acquired for the dry port outside the Factory area. There are also several people whose houses were destroyed without compensation when the Himal Cement Factory was built in 1974 as a gift from the German government. They

are also concerned that the Project will damage Chobhar's historical, religious and cultural heritages. The facility will destroy the Jal Binayak Temple, one of the Valley's most important Ganesh shrines. It also houses Manjushree Cave, which myths and legends relate with the birth of Kathmandu Valley referring to the deity Manjushree cutting the hill at Chobhar into half with a mighty sword to drain out water from a huge lake that once covered the valley. Further, they claim that the project has begun without an Environmental Impact Assessment, and that the project could prove disastrous for the entire Kathmandu Valley because Chobhar is a fragile point which is the only outlet for the Bagmati from Kathmandu Valley. The locals have already been tired of the pollution from the earlier Himal Cement factory and are angry that the Government's compensation from cement dust never materialized while the Government is also yet to pay 416 employees of the cement factory their salary for 19 months. A meeting in mid-November 2018 between Nepal's Ministry for Industry, Commerce and Supplies, the World Bank and the Project implementer - Nepal Intermodal Transport Development Board had decided to take the concerns of local people into consideration. But the construction began without such a step, according to locals.

<https://www.nepalitimes.com/from-the-nepali-press/dry-port-at-chobhar-faces-resistance/>,

<https://kathmandupost.com/valley/2019/01/18/pm-lays-foundation-stone-for-chobhar-dry-port-as-locals-protest>

<sup>47</sup> <http://documents.worldbank.org/curated/en/151071577163250969/Disclosable-Restructuring-Paper-Nepal-India-Regional-Trade-And-Transport-Project-P144335>

<sup>48</sup> <https://cemsoj.wordpress.com/2020/04/25/chobhar-dry-port-affected-communities-file-complaint-with-the-world-bank-against-the-construction-of-the-project/>

<sup>49</sup> <https://www.inspectionpanel.org/panel-cases/nepal-india-regional-trade-and-transport-project-p144335>

<sup>50</sup> The 2015 Constitution is considered regressive from the 2007 Interim Constitution with regards to ensuring the rights of indigenous peoples and respecting their historical/ancestral domain in the new federal structure of Nepal and even termed as "promoting racism". For example, the 2015 Constitution reverses the endorsement of Nepali State as secular with an explanatory provision that defines secularism as protection of *Sanatan* ("Hindu")<sup>50</sup> religion and culture (Article 4(1)) while continuing Hindu cultural symbols as national emblems that negatively affects non-Hindu indigenous peoples. Similarly, while the Constitution does not provide any recognition for the rights of indigenous peoples, it affords special undue recognition for dominant "Khas Arya" (Hindu caste Bahun, Chhetri, Sanyasi and Thakuri) groups that are also affirmed proportional representation in State structures under the principle of inclusion. See Alternative Report of the Indigenous Peoples of Nepal to the Sate Report Submitted by the Government of Nepal to the Committee on the Elimination of Racial Discrimination

<https://www.lahurnip.org/uploads/articles/Indigneous%20Peoples-CERD%20AAlternative%20Report-2018.doc>

<sup>51</sup> Alternative Report of the Indigenous Peoples of Nepal to the Sate Report Submitted by the Government of Nepal to the Committee on the Elimination of Racial Discrimination <https://www.lahurnip.org/uploads/articles/Indigneous%20Peoples-CERD%20AAlternative%20Report-2018.doc>

<sup>52</sup> <https://kathmandupost.com/national/2019/11/12/brahmins-and-chhetris-continue-to-dominate-entry-into-civil-service;>

[http://www.samabeshifoundation.org/wp-content/uploads/2017/07/Inclusion-Watch\\_English.pdf](http://www.samabeshifoundation.org/wp-content/uploads/2017/07/Inclusion-Watch_English.pdf)

<sup>53</sup> <https://www.recordnepal.com/featured/the-anti-reservation-brigade/>

<sup>54</sup> <https://myrepublica.nagariknetwork.com/news/3-years-on-language-commission-in-limbo-for-lack-of-full-shape/>

<sup>55</sup> <https://devpolicy.org/local-perspectives-on-mother-tongue-education-in-nepal-20190614/>

<sup>56</sup> <https://thehimalayantimes.com/kathmandu/schools-imparting-education-mother-tongue/>

<sup>57</sup> <https://www.indigenousvoice.com/en/discriminatory-language-policy-leads-to-extinct-many-indigenous-peoples-languages-in-nepal.html>

<sup>58</sup> <https://www.lahurnip.org/news-details/84.html> [In Nepali]

<sup>59</sup> The Newars are the indigenous population of Kathmandu – the second most earthquake-affected district of Nepal living mostly in the core areas of the district. The two other districts of the valley – Bhaktapur and Lalitpur rank seventh and ninth in the list of casualties and destruction from the earthquake. The total number of houses fully or partially destroyed reached 99,331 in Kathmandu, 28,010 in Bhaktapur and 25,943 in Lalitpur by August 2015 and had continued to grow due to numerous aftershocks. See [www.drrportal.gov.np](http://www.drrportal.gov.np) (accessed in July 2015)

<sup>60</sup> <https://reliefweb.int/report/nepal/nepal-earthquake-recovery-enters-5th-year>

<sup>61</sup> Government of Nepal, National Reconstruction Authority, Kathmandu District Project Implementation Unit's Progress report of Reconstruction of Private Houses, Presentation dated 1/4/2020

<sup>62</sup> Interaction with Chief of District Coordination Committee, Kathmandu

<sup>63</sup> A study by HimRights has documented a representative situation of Tara Devi Ranjit, a widow living in Kathmandu's Lakhnani with a 15-year-old son. She had been living off meagre rent from her property, which was destroyed in the earthquake. As a result, she found herself helpless with her income reduced to 5 to 10 NPR per day (approx. USD 0.042 to 0.085) by sewing shawls. She has thus been totally dependent on her brothers. Her story is just the tip of the iceberg and such problem is more common than many people think while it is not Newar culture to show their poverty. The fact that only 20% of full housing reconstruction grant has been disbursed in Kathmandu is thus seriously concerning as many Newars have relied on rent collection off their ancestral properties as their primary source of income and there are economically disadvantaged Newars, who have been relying on meagre rent as their only income. See A Report on Invisible Earthquake Survivors of Kathmandu Valley [http://www.himrights.org/download/15\\_285105473.pdf](http://www.himrights.org/download/15_285105473.pdf)

<sup>64</sup> Interaction with Chief of District Coordination Committee

<sup>65</sup> Many of the monuments in the World Heritage sites and beyond in Kathmandu valley were damaged or destroyed by the earthquake. Newars had built all these exquisite temples, palaces, and aquatic systems and many have continued to repair and rebuild them. However, the policymakers did not think of the concerned Newar communities as experts in the rebuilding. The experiences of local communities in the context of rebuilding Rani Pokhari and Kasthmandap in Kathmandu are the cases in point, whereby the local government had earlier commissioned external contractors for reconstruction of the sites without

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meaningful consultation and consent of the locals. Only after protests of the communities and heritage activists, the local government agreed to rebuild those sites in coordination with committees formed of local communities' representatives and experts with the use of traditional technology and architecture. See <https://www.nepalitimes.com/here-now/deconstructing-reconstruction/>

<https://www.nepalitimes.com/banner/resurrecting-rani-pokhari-right/>

<https://archive.nepalitimes.com/article/Nepali-Times-Buzz/rebuilding-kasthamandap-nepal,4012>

<sup>66</sup> <https://myrepublica.nagariknetwork.com/news/one-fourth-reconstruction-work-of-dharahara-completed/>

<sup>67</sup> Another case in point is that of **Tundikhel**, which once used to be the biggest parade ground and open urban space in South Asia but has been continuously encroached by State bodies, including the Nepali Army, and has most recently been shrunk, among others, due to dumping of earthquake debris and other construction materials by the Kathmandu Metropolitan City for post-earthquake reconstruction of nearby State institutions such as the Bir Hospital. A public movement called Occupy Tundikhel has been calling for restoration of Tundikhel, which served as space for emergency shelter for many Kathmandu residents after the earthquake. See <https://thehimalayantimes.com/kathmandu/hundreds-join-occupy-tundikhel-campaign/>

<sup>68</sup> CERD/C/NPL/CO/17-23

[https://tbinternet.ohchr.org/\\_layouts/15/treatybodyexternal/Download.aspx?symbolno=CERD/C/NPL/CO/17-23&Lang=En](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CERD/C/NPL/CO/17-23&Lang=En)

<sup>69</sup> E/C.12/NPL/CO/3

[https://tbinternet.ohchr.org/\\_layouts/15/treatybodyexternal/Download.aspx?symbolno=E/C.12/NPL/CO/3&Lang=En](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=E/C.12/NPL/CO/3&Lang=En)

<sup>70</sup> A/HRC/12/34/Add.3 [https://www2.ohchr.org/english/bodies/hrcouncil/docs/12session/A-HRC-12-34-Add3\\_E.pdf](https://www2.ohchr.org/english/bodies/hrcouncil/docs/12session/A-HRC-12-34-Add3_E.pdf)

<sup>71</sup> CEDAW/C/NPL/CO/6

[https://tbinternet.ohchr.org/\\_layouts/15/treatybodyexternal/Download.aspx?symbolno=CEDAW/C/NPL/CO/6&Lang=En](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CEDAW/C/NPL/CO/6&Lang=En)