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A HUMAN RIGHTS AGENDA FOR NEPAL

As Nepal approaches general elections planned on 5 March 2026, Amnesty International calls on all political parties and candidates to place human rights at the centre of not only their election campaigns but also of the country's governance once they are elected. The Constitution of Nepal together with Nepal's international human rights obligations provides a strong framework; however, persistent failures in implementation, weak accountability, and political interference in independent institutions by successive governments have continued to undermine the rule of law and the enjoyment of human rights in the country.

Amnesty International urges all the candidates and contesting political parties to commit, at a minimum, to the following 10-point human rights agenda and clearly reflect these commitments in their manifestos and plans of action, enabling voters to make informed choices.

PROTECT THE RIGHT TO FREEDOM OF PEACEFUL ASSEMBLY

The Constitution of Nepal guarantees the right to freedom of peaceful assembly under Article 17(2)(b). This right is further protected under international human rights instruments ratified by Nepal, including the International Covenant on Civil and Political Rights (ICCPR) that was ratified in 1991.

But Nepal's record in facilitating, regulating, and policing protests and assemblies has long raised serious human rights concerns, reflecting both restrictive legal frameworks and abusive practices. Persistent failures by successive governments to uphold the rule of law and to ensure accountability and justice for the excessive and other unlawful use of force, resulting in mass casualties, including during the Gen-Z protests in September 2025, underscore the authorities' ongoing disregard for their obligations under international human rights law. These patterns point not only to an entrenched intolerance of dissent but also to a longstanding, systemic failure to enable and facilitate peaceful assemblies in line with international human rights standards.

Candidates and political parties, therefore, must commit to fulfilling their positive obligation to respect, protect, and facilitate peaceful assembly and ensuring that laws, regulations, and policing practices limiting freedoms are lawful, non-discriminatory, grounded in one or more legitimate aims, necessary, and proportionate.

ENSURE THE RIGHT TO FREEDOM OF EXPRESSION AND ASSOCIATION

The Constitution of Nepal guarantees freedoms of expression and association under Article 17 (2)(a) and 17 (2)(d). However, these freedoms continue to be undermined by restrictive laws and provisions—including Section 47 of the Electronic Transactions Act, 2008—which are frequently used to criminalise dissent and silence journalists, activists, and protesters. Previous governments have also proposed restrictive legislative proposals, including the Social Media Act (Bill), 2081, which would grant authorities sweeping powers to order social media platforms to remove content and disclose user information without judicial authorisation, and to impose unwarranted fines or imprisonment on individuals for posting allegedly false or misleading information. Candidates and political parties must therefore commit to amending or repealing such laws, safeguarding media freedom, enabling people to freely exercise the right to freedom of expression and opinion, and guaranteeing an enabling environment for civil society and human rights defenders.

Accordingly, candidates and political parties must pledge to ensure that all existing and proposed laws, regulations, and practices fully comply with the Constitutional and international human rights standards on the right to freedom of

expression and association, and that any form of restrictions on these rights are strictly necessary, proportionate, and do not undermine these fundamental guarantees.

ENSURE JUSTICE FOR THE VICTIMS OF PAST HUMAN RIGHTS VIOLATIONS

All survivors and victims of human rights and international humanitarian law violations during the 1996–2006 armed conflict have the right to truth, justice, reparations, and guarantees of non-recurrence, as committed to in the Comprehensive Peace Agreement (CPA) signed in 2006 and as recognised under international law and Nepal’s constitutional commitments. Provisions of the Enforced Disappearances Enquiry, Truth and Reconciliation Commission Act (2014), amended in 2024, resulting in serious accountability gaps requires amendment. One of the major gaps is the way crimes committed during the conflict are classified either as “violations of human rights” or “serious violations of human rights.” “Serious violations of human rights” which could be prosecuted in “special courts” include only four crimes: rape or serious sexual violence; intentional or arbitrary killing; enforced disappearance, provided that the victim’s whereabouts remains unknown; and inhuman or cruel torture. These definitions are not consistent with international law and exclude other serious crimes, such as the prohibition of torture. The requirement that torture be criminalised is absolute. There can be no qualification for “inhuman or cruel” torture, since torture by its nature is inhuman or cruel. The law also requires that both categories of violations (defined as “serious” and not)—except for rape and “serious sexual violence”—are committed “in a targeted or planned manner against an unarmed individual or community.” This could exclude many cases not only from any criminal accountability but also other measures under the Act, such as civil and administrative remedies and reparations.

Further, victims’ and human rights communities’ concerns around the lack of consultation, independence, and political instrumentalisation of the selection process for the third appointment of members of the Truth and Reconciliation Commission (TRC) and the Commission of Inquiry on Enforced Disappearances (CIEDP) in May 2025 must be urgently addressed. These steps are essential to gain the trust of victims and ensure the process is credible and effective. In this context, candidates and political parties must commit to reforming transitional justice processes in line with international human rights standards, ensuring victim participation, prosecuting those responsible for serious violations of human rights, providing adequate reparations, and undertaking institutional reforms to prevent recurrence.

Likewise, they must commit to ensuring thorough, independent, impartial, and effective investigations into allegations of unlawful use of force and arbitrary deprivations of life in past protests, including the 2015 Tharu protests, Madhesh movements, people’s movements for democracy, and the “Gen-Z” youth-led protests of September 2025. They must publicly disclose investigation findings and implement the recommendations of commissions of inquiry in a manner fully consistent with international human rights law and standards. Laws, policies, or practices that shield officials from criminal accountability must be repealed or amended and law enforcement agencies should be adequately trained in human rights-compliant policing of assemblies.

Nepal must also fully comply with its obligations under the ICCPR and relevant international standards, including the UN Basic Principles on the Use of Force and Firearms by Law Enforcement Officials and the Model Protocol for Law Enforcement Officials to Promote and Protect Human Rights in the Context of Peaceful Protests, ensuring that all those responsible—regardless of rank—are brought to justice in fair trials.

GUARANTEE ACCESS TO JUSTICE FOR ALL

Access to justice remains uneven, particularly for women, Dalits, and Adivasi Janajatis (Indigenous Peoples). The Constitution guarantees equality before the law and access to justice under Articles 18 and 20, while the Legal Aid Act, 1997, provides for state-supported legal assistance. However, failure to prosecute, high costs of legal proceedings (including legal fees, court charges, and related expenses), procedural complexity, geographic barriers, and discrimination based on caste and gender remain as major barriers to access justice for victims and survivors of abuses and violence, in particular, those from the marginalised groups such as women, Adivasi Janajatis and Dalits.

Candidates and political parties must commit to effective and timely investigation, strengthening legal aid services, improving the efficiency and independence of courts and quasi-judicial bodies, addressing case backlogs, and introducing targeted measures and end culture of impunity for perpetrators and ensure justice for victims and survivors of sexual- and gender-based violence.

GUARANTEE NON-DISCRIMINATION AND SUBSTANTIVE EQUALITY

Discrimination on the basis of caste, ethnicity, gender identity, disability, sexual orientation, religion, or economic status remains widespread. The Constitution guarantees equality and social justice under Articles 18 and 42 and prohibits caste-based discrimination and untouchability. The Caste-Based Discrimination and Untouchability (Offence and Punishment) Act, 2011, criminalises discriminatory practices, yet a culture of impunity prevails and enforcement remains weak. Although Nepal's obligations under ILO Convention 169 and United Nations Declaration on the Rights of Indigenous Peoples mandates participation in decision-making processes and free, prior and informed consent of Indigenous Peoples in development activities affecting them, infrastructure projects have continued without meaningful participation of affected Indigenous Peoples.

Candidates and political parties must commit to effective implementation of comprehensive anti-discrimination laws; adopt affirmative measures to address social, systemic and structural inequality; and ensure equitable access to education, employment, housing, public services, resources, and opportunities for marginalised communities. They must ensure Indigenous Peoples' participation in the decision-making process and take free, prior and informed consent of Indigenous Peoples before undertaking development activities affecting them.

PROTECT AND ADVANCE THE RIGHTS OF WOMEN, GIRLS AND LGBTQI PEOPLE

Despite constitutional guarantees under Articles 18, 38 and 39 and protective legislation—including the Domestic Violence (Offence and Punishment) Act (2009) and the Supreme Court's directives on the rights of transgender people, and other queer persons, women, girls, and people with diverse gender identities continue to face violence, discrimination, and exclusion from all aspects of social, economic and political life, including decision-making. Harmful practices such as child marriage, *chhaupadi* (a traditional practice in Nepal that isolates menstruating women to sheds or huts), and impunity for gender-based violence persist.

Candidates and political parties must ensure meaningful participation of women and gender-diverse people at all levels of political and public life; strengthen gender-responsive policing and healthcare; and fully enforce laws to prevent, investigate, and redress gender-based violence, in line with Nepal's obligations under the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), international human rights standards protecting sexual orientation and gender identity, and the Constitution of Nepal.

ENSURE ECONOMIC, SOCIAL, AND CULTURAL RIGHTS, AND CLIMATE JUSTICE

The Constitution guarantees rights related to education, health, food, housing and social security, under Articles 31, 35, 36, 37, and 43. Legal frameworks such as the Right to Housing Act (2018), the Right to Food and Food Sovereignty Act (2018), the Act Relating to Compulsory and Free Education, (2018), among others, provide specific protections and duties for ensuring access to these rights. In addition, Nepal is a party to the International Covenant on Economic, Social and Cultural Rights (ICESCR). Nonetheless, landlessness, forced evictions, inadequate housing, and unequal access to essential services persist, reflecting persistent failures in implementation and enforcement, particularly affecting marginalised communities. Land commissions established for verifying claims of people living in informal settlements and for issuing land ownership certificates have been repeatedly and prematurely dissolved, undermining tenure security and access to housing rights. Although there has been progress on social protection, significant gaps remain, with only a third of the population having access to any form of social protection. Coverage is particularly weak for children, persons of working age (especially workers in the informal economy and self-employment), maternity protection, and universal health care.

Candidates and political parties must prioritise land and housing reform, ensure protection against forced evictions, strengthen public healthcare and education systems, and the adoption of inclusive social protection policies to reduce inequality. They must commit to strengthening, supporting, and enabling institutions, such as the Land Issue Resolving Commission, to ensure a fair and transparent verification and land distribution process.

In addition, candidates and political parties must prioritise addressing the impacts of climate change through a human rights-based approach, particularly in adaptation measures and responding to human-induced climate change related disasters, as they directly affect the realisation of ESCR rights in Nepal. The government's obligations under the

Constitution (Article 51(g)), the Environment Protection Act (2019), the National Climate Change Policy (2019), and international commitments under the United Nations Framework Convention on Climate Change (UNFCCC), the Paris Agreement—including Nepal’s updated Nationally Determined Contribution (NDC 3.0)—and the Convention on Biodiversity require that climate action safeguards human rights, including the right to a clean, healthy and sustainable environment, and the rights of workers, communities and individuals affected by the just transition away from fossil fuels, as well as strengthening resilience for the communities and individuals most vulnerable to climate change harms.

PROTECT THE RIGHTS OF MIGRANT WORKERS, INCLUDING WOMEN MIGRANT WORKERS

Labour migration remains a major livelihood strategy for many Nepalis, yet migrant workers are often cheated during recruitment in Nepal and subsequently in receiving countries by being exploited at work whilst experiencing unsafe working conditions and inadequate access to protection and justice. Lack of adequate Nepali consular assistance remains a major problem. While the Foreign Employment Act, 2007, and related regulations provide a legal framework, enforcement remains weak. Policies on labour migration of women have been frequently and arbitrarily changed, with seemingly innocuous but impractical conditions still in place. This forces women seeking foreign employment opportunities to use irregular channels thereby making them vulnerable to trafficking and forced labour.

Candidates and political parties must commit to implementing an employer-paid recruitment system for migrant workers, holding recruitment agencies accountable for misconduct, strengthening pre-departure orientation and social security schemes, improving consular assistance, aligning domestic law with international law and standards, and introducing policies that respect all Nepalis right to work and choose employment abroad while ensuring decent working conditions for them.

END TORTURE AND OTHER ILL-TREATMENT AND CUSTODIAL DEATHS

Torture and other cruel, inhuman or degrading treatment are prohibited under Article 22 of the Constitution and the National Penal (Code) Act, 2017. The Constitution gives the Attorney General powers to investigate and prevent inhuman treatment in custody and the National Human Rights Commission to investigate and recommend remedies. Despite this, reports of custodial deaths, torture by law enforcement authorities persist, alongside poor prison conditions, lack of access to adequate healthcare and basic human rights, and a lack of accountability. Effective investigation and prosecution remain challenging as victims of torture must complain in the same police offices where they were subjected to torture.

Candidates and political parties must commit to putting in place and implementing necessary legal and structural arrangements that ensure impartial, independent and effective investigations into allegations, accountability for perpetrators, access to remedies for victims, and compliance with Nepal’s obligations under the UN Convention against Torture.

PROTECT AND STRENGTHEN CIVIC SPACE AND HUMAN RIGHTS DEFENDERS

A vibrant civic space is essential to the rule of law and accountable governance, yet journalists, human rights defenders, youth and climate rights activists, and civil society organisations are increasingly subjected to harassment, surveillance, and legal intimidation.

Candidates and political parties must commit to protecting human rights defenders, ensuring media freedom, preventing misuse of laws to restrict civic space, and fostering a political culture that respects dissent and participation in public affairs.