

[EU 2018 Annual Report on Human Rights and Democratisation - Country Updates on Human Rights and Democracy 2017](#)

See caste-related passages highlighted

Federal Democratic Republic of Nepal

2017 was a crucial year for Nepal as it held its first local, provincial and federal elections under the new Constitution promulgated in 2015.

Following an invitation from the Government and the Election Commission of Nepal (ECN), the EU deployed an Election Observation Mission (EU EOM) to observe the elections to the House of Representatives and the seven provincial assemblies held in two phases on 26 November and 7 December. The Mission had to assess the entire electoral process in accordance with international and regional commitments for elections, as well as the laws of Nepal.

The EU EOM released on 9th December a preliminary statement acknowledging that the "legal framework offers a good basis for the conduct of elections which comply with the international standards subscribed to by Nepal Political freedoms, including association, assembly, expression, were well-respected in the law and in practice with no restrictions on the right to stand for election. Political freedom was, however, disrupted by a series of violent attacks on candidates and campaign events."

The preliminary statement also identified a number of shortcomings such as the lack of transparency in the work of the ECN, absence of mechanism for regular consultations with political parties, civil society and observers at the central level.

In August, the Parliament adopted the criminal and civil codes replacing the over 160 years old "Muluki Ain" (Civil Code). The relevant bill will enter into force on 1 August 2018. The new Criminal Code protects human rights, and criminalises torture, enforced disappearances, forced labour and slavery. A number of international and domestic NGOs expressed concern about some provisions of the new Criminal Code with regards to freedom of religion or belief, as they might limit people's rights to express their religion and, potentially, their right to choose their religion.

The actual enforcement of the Constitution's provisions regarding the promotion and protection of human rights remains a key challenge for Nepal.

In this respect, the priority areas of the EU action in the country cover the implementation of human and civil rights, access to justice, non-discrimination and the fight against impunity as well as the protection of the most vulnerable.

EU Delegation actively participated in the work of the EU Human Rights Defenders Working Group and Human Rights Core Group throughout the year – both looking into the human rights situation, including the transitional justice matters.

The EU pursued its support for the implementation of the national action plan on UNSC resolutions 1325 and 1820 on Women, Peace and Security and Violence against Women through funding activities via the Nepal Peace Trust Fund. Although the constitution includes provisions aimed at promoting women and marginalised groups in the political process, their actual participation still remains limited.

The EU financed four projects under the EIDHR and Non-State Actors and Local Authorities programme (for an overall amount of € 1.7 million) on "active citizens for accountable local governments' initiatives"; enhancing access to education of the marginalized adolescent girls and children; fighting caste-based discriminations; and empowering marginalized communities to exercise their economic rights.

The mandates of the transitional justice commissions (the "Truth and Reconciliation Commission" (TRC) and the "Commission on Investigation of enforced disappeared persons") were extended by one year in February 2017. The international community called on the government to ensure an internationally compliant transitional justice process, with special regard to the victims' rights to transparency, truth and an effective remedy. It recalled its commitment to amend the TRC Act and pass a Special Courts Act in line with the judgements of the Nepal Supreme Court and Nepal's international legal commitments.

The UNHCR reiterated its call for lasting solutions for the remaining refugees from Bhutan in Nepal following the conclusion of the group resettlement programme at the end of 2017.

According to the 2017 World Press Freedom Index, Nepal was ranked 100th out of 180 countries.

In October, Nepal was elected by the UN General Assembly as one of 15 new members of the UN Human Rights Council for the period 2018/2020.