**CERD/C/NPL/17-23**

**Annexes**

**Annex: I**

**Data from Census report, 2011**

As per the 2011 census report, population of the country is 26,494,504 consisting of 48.5% (12,849,041) male and 51.5% (13,645,463) female, which grew at the rate of 1.35 percent per annum between 2001 and 2011. The census also revealed a male female ratio of 94.41 and shows that average household size has decreased from 5.44 in 2001 to 4.88 in 2011. According to the census report of 2011, 17.07 % of total population lives in urban areas and all the rest lives in rural areas. The population living below the poverty line is 23.8 percent. The average per capita income is 721 US dollars. The unemployment rate of male and female aged 15 and above in 2008 is 2.2 and 2.0 percent respectively. The work participation (labor force rate) is 77.8 percent. The literacy rate of population aged 5 years and above has increased from 54.1 percent in 2001 to 65.9 percent in 2011. Male literacy rate is 75.1% compared to female literacy rate of 57.4%. Average life expectancy is 69.1 years. Female headed household has increased from 14.87% in 2001 to 25.73% in 2011. The country has been successful to achieve the MDGs in terms of poverty reduction as it was 41% in 2001 and now it is 23.8%. A situation of poverty in relation to different caste ethnic groups is shown below.

|  |  |  |  |
| --- | --- | --- | --- |
|  | Headcount | Poverty gap | Poverty severity |
| Group | Number | Rank | Number | Rank | Number | Rank |
| Dalit (Hills) | 43.6 | 1 | 10.9 | 1 | 4.2 | 1 |
| Dalit (Tarai) | 38.2 | 2 | 8.1 | 2 | 2.2 | 2 |
| Tarai castes | 28.4 | 3 | 5.2 | 5 | 1.4 | 3 |
| Janajati (Hills) | 28.0 | 4 | 6.6 | 3 | 2.4 | 4 |
| Janajati (Tarai) | 26.6 | 5 | 4.9 | 6 | 1.4 | 5 |
| Chhetri | 23.4 | 6 | 5.6 | 4 | 1.9 | 6 |
| Muslim and other castes | 18.8 | 7 | 3.4 | 7 | 0.9 | 7 |
| Brahmin | 10.3 | 8 | 1.7 | 9 | 0.5 | 8 |
| Newar | 10.2 | 9 | 2.1 | 8 | 0.7 | 9 |

 *Source:* NLSS 2010/2011

According to 2011 census, Chhetri is the largest caste/ethnic groups having 16.6% of the total population followed by Brahman-Hill 12.2%, Magar 7.1%, Tharu 6.6%, Tamang 5.8%, Newar 5.0%, Kami 4.8%, Musalman 4.4%, Yadev 4.0% and Rai 2.5%.

The census 2011 shows that Nepali is spoken as mother tongue by 44.6% of the total population followed by Maithili 11.7%, Bhojpuri 6.0%, Tharu 5.8%, Tamang 5.1%, Newar 3.2%, Bajjika 3.0%, Magar 3.0%, Doteli 3.0%, and Urdu 2.6%.

***Dalits share 13.4% of the total population*.** National Dalit Commission (NDC) has enlisted 26 groups of Dalit Community namely Gandarva, Pariyar, Badi, Biswokarma, Mijar, Pode, Chyame (as Pahadi Dalits ) from hills and Kalar, Kakaihiya, Kori, Khatik, Khatwe, Chamar, Chidimar, Dom, Tatma, Dusad, Dhobi, Paasi, Bantar, Musahar, Mestar, Sarvanga, Natuwa, Dhandi, Dharikar ( as Madheshi Dalit ) from Terai. Some groups are still under the process of identification and NDC is working on it.

Indigenous peoples or nationalities[[1]](#footnote-2), *covering 37.6% of total population*, refer to different ethnic groups. Their categorization and groups can be seen on the following table. Categorization of Indigenous Peoples based on their human development

|  |  |
| --- | --- |
| **Advanced Group (2)** | Newar, Thakali |
| **Disadvantaged Group (14)** | Tangbe, Teengaunle Thakali, Barahgaunle Thakali, Marphali Thakali, Gurung, Magar, Rai, Limbu, Sherpa, Yakkha, Chhantyal, Jirel, Byansi, Yolmo |
| **Marginalized Group (19)** | Sunuwar, Tharu, Tamang, Bhujel, Kumal, Rajbanshi, Gangaai, Dhimal, Bhote, Darai, Tajpuriya, Pahari, Topkegola, Dolpo, Mugal, Larke, Lohpa, Dura, Walung |
| **Highly Marginalized****Group (12)** | Majhi, Siyar, Lhomi (Shinsaba), Thundam, Dhanuk, Chepang, Santhal, Jhagad, Thami, Bote, Danuwar, Baramu |
| **Endangered****Group (10)** | Kusunda, Bankariya, Raute, Surel, Hayu, Raji, Kisan, Lepcha, Meche, Kuswadiya |

 *Source :NFDIN*

**Annex: II**

**Caste-based Discrimination and Untouchability (Offence and Punishment) Act, 2068 (2011)**

(Attached)

**Annex: III**

**Roles and responsibilities of NHRIs as provided by the new Constitution**

**National Human Rights Commission (NHRC):**

NHRC consists a Chairperson and four other members. The President shall, on the recommendation of the Constitutional Council, appoint the Chairperson and the Members of the National Human Rights Commission. The term of office of the Chairperson and Members of the National Human Rights Commission shall be six years from the date of appointment. They are not eligible for reappointment.

**Functions, duties and powers of National Human Rights Commission:**

(1) It shall be the duty of the National Human Rights Commission to ensure the respect, protection and promotion of human rights and their effective implementation.

(2) In order to perform the duty pursuant to Clause (1), the National Human Rights Commission may carry out the following functions:-

(a) conduct inquiries into, and investigations of, and recommendation for action against the perpetrator of, instances of violation or abetment of violation the human rights of any person or a group of persons, upon a petition or complaint presented to the Commission by the victim herself/himself or any person on her/his behalf or upon information received from any sources, or on its own initiative,

(b) forward a recommendation to the authority concerned to take departmental action against any authority that has the duty of responsibility to prevent violations of human rights, if it failed to perform such duty or responsibility or showed recklessness or lack of interest in performing that duty,

(c) make recommendations if necessary, to lodge a petition in the court, in accordance with the law, against a person or institution that has violated human rights,

(d) work jointly and in a coordinated manner with civil society to enhance awareness of human rights,

(e) forward a recommendation to the relevant authority for taking departmental action against or imposing punishment on the violators of human rights, giving clear reasons and basis therefor,

(f) review existing laws relating to human rights on a periodic basis and to recommend to the Government of Nepal necessary reforms and amendment thereto,

(g) recommend with reasons to the Government of Nepal that it become a party to any international treaties and agreements on human rights, if it is desirable to do so, and to monitor the implementation of the international treaties and agreements on human rights to which Nepal is a party and if found not to be implemented, forward recommendations to the Government of Nepal for effective implementation of such agreements,

(h) Publicize the names of any official, person or bodies not following or implementing the recommendations and directions of the National Human Rights Commission regarding the violations of human rights in accordance with law, and to record them as human rights violators.

(3) The National Human Rights Commission in performing its functions and duties, may exercise the following powers:-

(a) exercise same powers as the court in requiring any person to appear before the Commission for recording their statement and information or examining them, receiving and examining evidence, and ordering the production of any physical proof,

(b) in case the Commission has received the information from any source that a serious incident of violation of human rights has occurred or is likely to occur, it may enter a person’s residence or office, conduct a search and seize any documents and evidence relating to human rights violations therein,

(c) enter any government premises or other places, without prior notice, in case the Commission has received information that violation of human rights of a person is occurring thereon and immediate action is required, to provide rescue,

(d) order compensation for the victims of human rights violations in accordance with law.

Other functions, duties and powers and procedural of the National Human Rights Commission shall be as specified by Federal law.

**National Women Commission (NWC):**

NWC consists of a Chairperson and four other members. The President shall, on the recommendation of the Constitutional Council, appoint the Chairperson and members of the Commission. The term of office of the Chairperson and other members shall be six years from the date of appointment and they are not eligible for reappointment.

**Functions, duties and powers of the National Women Commission**:

(1) Functions, duties and powers of the Commission shall be as follows:-

(a) To formulate policies and programs regarding women welfare for the Government of Nepal and forward them to the Government for implementation,

(b) To review whether or not statutes related to women’s welfare are executed, and whether the international covenant signed by Nepal, as a signatory, has been executed, and to forward a recommendation to the Government of Nepal in case they are found not to have been executed,

(c) To monitor, review and evaluate policies and programs implemented by the State to bring women into the mainstream of national development such as proportionate representation in all of the state agencies, and to forward a recommendation to the Government of Nepal for an effective implementation of those provisions,

(d) To carry out research and studies regarding gender equality, women empowerment, other legal provisions concerning women, and to forward a recommendation to the concerned bodies regarding the areas to be amended in those laws, and to monitor the same,

(e) To monitor the government regarding report to be submitted by the Government of Nepal in matters related to international covenant and treaties to which Nepal is a party,

(f) To forward a recommendation to concerned authority to lodge a petition in the court, in accordance with the law, in matters related with gender violence, and women deprived of women rights due to social malpractices,

(2) The National Women Commission may delegate, some of its rights to the Chairperson of the Commission, member, or an officer of the Government of Nepal, to be exercised in compliance with the conditions specified.

(3) Other functions, duties and powers of the National Women Commission shall be as specified in Federal law.

The National Women’s Commission may establish its offices in provinces as may be necessary.

**National Dalit Commission (NDC):**

NDC consists of a Chairperson and four other Members. The President shall, on the recommendation of Constitutional Council, appoint the Chairperson and members of National Dalit Commission. The term of office for the Chairperson and Members of National Dalit Commission shall be for six year from the date of appointment.

**Functions, duties and powers of National Dalit Commission**:

(1) Functions, duties and powers of the Commission shall be as follows:-

(a) To carry out research and studies regarding Dalit community of Nepal so as to identify legal and institutional reforms to be made and make a recommendation to the Government of Nepal,

(b) To formulate national policies and programs in matters related with ending caste discrimination, untouchability, suppression and to enhance Dalit’s status and development, and to forward a recommendation to the Government of Nepal for implementation,

(c) To monitor, so as to ensure whether the special provisions and laws related with Dalit welfare have been implemented or not, and to forward a recommendation to the government of Nepal, in case these provisions are found not to have been implemented,

(d) To review or monitor the Government of Nepal, so as to ensure that the Government of Nepal submits the report as a signatory to the international treaties and agreement, as provisioned by those treaties,

(e) To monitor, review and evaluate the policies and programs implemented by the State to bring Dalit community into the mainstream of national development such as proportionate representation in all of the state agencies, and to forward a recommendation to the Government of Nepal for an effective implementation of those provisions,

(f) To recommend to respective agencies on filing petitions in court according to the law, against any person or organization if it is deemed necessary on subjects of discriminations on caste and untouchability or victim of social malpractices or disallowing or depriving of exercising the right of Dalits.

(2) The National Dalit Commission may delegate, as required, some of its powers to the Chairperson of the Commission, member, or an officer of the Government of Nepal, to be exercised in compliance with the conditions specified.

(3) Other functions, duties and powers of the National Dalit Commission, shall be as specified by Federal law.

The National Dalit Commission may establish its offices in provinces as may be necessary.

**National Inclusion Commission (NIC):**

NIC consists of a Chairperson and as many as four other members. The President shall, on the recommendation of Constitutional Council, appoint the Chairperson and members of National Inclusion Commission. The term of office of Chairperson and members of National Inclusion Commission shall be six years from the date of appointment and they are not eligible for the reappointment.

**Functions, duties and powers of National Inclusion Commission**:

(1) Functions, duties and powers of the Commission shall be as follows:-

(a) To carry out research and studies for protecting rights and welfare of KhashArya, backward class, persons with disability, senior citizens, laborers, peasants, marginalized and minority communities, people of Karnali region and economically disadvantaged people,

(b) To review the policies of the Government of Nepal for inclusion of the persons as mentioned in section (a) above and their implementation, and to forward necessary recommendation to the government for reform,

(c) To conduct study about the rightful representation of the persons as mentioned in section (a) above in the state mechanisms, and to forward a recommendation to the Government of Nepal to review the provision to ensure their representation therein,

(d) To study whether protection, empowerment and development of the persons as mentioned in section (a) is satisfactory and to forward a recommendation to the Government of Nepal regarding the policies to be adopted for the future,

(e) To recommend the Government of Nepal regarding policies and programs to be implemented for development and prosperity of Karnali and other backward regions,

(f) To recommend for timely revision in the laws related to minorities and marginalized communities,

(g) To monitor the situation of implementation of rights and interests of minorities and marginalized communities, and to make recommendations for revision based on reports of periodic census and human development indices

(2) The National Inclusion Commission may delegate, as required, some of its powers to the Chairperson of the Commission, member, or an officer of the Government of Nepal, to be exercised in compliance with the conditions specified.

(3) Other functions, duties and powers of the National Inclusion Commission shall be as specified by Federal law.

The National Inclusion Commission may establish its offices in provinces as may be necessary.

**Indigenous People and Nationalities Commission:**

The Indigenous People and Nationalities Commission consists of a Chairperson and as many as four other members. The President shall, on the recommendation of Constitutional Council, appoint the Chairperson and members of the Commission. The term of office of Chairperson and members of the Commission shall be six years from the date of appointment. The qualifications, conditions of vacancy, remuneration and conditions of service of the Chairperson and members of the Commission and other provisions related to functions, duties and power of such Commission shall be according to the Federal law.

**Madheshi Commission:**

Madheshi Commission consists of a Chairperson and as many as four other members. The President shall, on the recommendation of Constitutional Council, appoint the Chairperson and members of Madheshi Commission. The term of office of Chairperson and members of Madheshi Commission shall be six years from the date of appointment. The qualifications, conditions of vacancy, remuneration and conditions of service of the Chairperson and members of Madheshi Commission and other provisions related to functions, duties and power of such Commission shall be according to the Federal law.

**Tharu Commission**:

Tharu Commission consists of a Chairperson and as many as four other members. The President shall, on the recommendation of Constitutional Council, appoint the Chairperson and members of Tharu Commission. The term of office of Chairperson and members of Tharu Commission shall be six years from the date of appointment. The qualifications, conditions of vacancy, remuneration and conditions of service of the Chairperson and members of Tharu Commission and other provisions related to functions, duties and power of such Commission shall be according to the Federal law.

**Muslim Commission**:

Muslim Commission consists of Chairperson and as many as four other members. The President shall, on the recommendation of Constitutional Council, appoint the Chairperson and members of Muslim Commission. The term of office of Chairperson and members of Muslim Commission shall be six years from the date of appointment. The qualifications, conditions of vacancy, remuneration and conditions of service of the Chairperson and members of Muslim Commission and other provisions related to functions, duties and power of such Commission shall be according to the Federal law.

1. The terminologies "indigenous peoples" and "indigenous nationalities", and "peoples" and "nationalities" are used interchangeably in this Report. [↑](#footnote-ref-2)