



STAKEHOLDER REPORT FOR THE UNIVERSAL PERIODIC REVIEW OF NEPAL

**4TH CYCLE OF THE UNIVERSAL PERIODIC REVIEW
(in Violence against Women and Girls)**

Submission by

**Forum for Women, Law and Development (FWLD)
Policy Advocacy Network against Violence
against Women and Girls (PANAV)**



PANAV



FWLD

Working for Non-discrimination and Equality

Forum for Women, Law, and Development

(FWLD) is a non-governmental organization founded on May 29, 1995, with ECOSOC status under the United Nations. FWLD is dedicated to protecting, promoting, and realizing human rights. Committed to eliminating all forms of discrimination, it leverages the law as a tool to secure the rights of women, children, minorities, and other marginalized groups.¹

A Policy Advocacy Network against Violence against Women and Girls (PANAV) was formed in 2024 to unify civil society organizations and ensure their meaningful participation in policy advocacy for the reformation of laws against violence against women and girls. The Network has members from the national level, Lumbini Province, and Madhesh Province.

¹ Information about FWLD: <https://fwld.org/>

Introduction

In accordance with Human Rights Council (HRC) Resolution 5/1, the Forum of Women, Law and Development (FWLD) and Policy Advocacy Network against Violence against Women and Girls (VaWG), presents this joint submission as Stakeholder's Report to supplement the report of Government of Nepal scheduled for review in the 51st Session of the UPR Working Group on 21st January 2026. The submission primarily focuses on rights of women in relation to the protection against all forms of violence perpetrated against Women and Girls (VaWG) from the perspective of prevention, protection, justice administration as well as compensations and rehabilitation. It shall be dealt with in the following major areas:

I. TRAFFICKING IN PERSONS

II. HARMFUL PRACTICES

III. VIOLENCE AGAINST WOMEN AND GIRLS

IV. RIGHTS OF SEX WORKERS

I. TRAFFICKING IN PERSONS

A. PRIOR RECOMMENDATIONS

In the 3rd cycle of the Universal Periodic Review, Nepal received various recommendations from the different countries in the Working Group. Among them, Nepal had supported the following recommendations:

1. Continued Efforts to combat slavery and trafficking

To intensify and continue efforts to combat slavery and trafficking in human beings including, by considering the possibility of adopting strategies or action plans (159.90; 159.92; 159.93; 159.94; 159.95; 159.96; 159.97; 159.99; 159.100; 159.102), implementing laws against human trafficking, notably the implementation National Action Plan (159.101)

2. Rights of victims/ survivors of TIP

To adopt measures like SOP, implement it to identify victims of trafficking (159.90; 159.92; 159.94), adopt comprehensive protection and rehabilitation for victims/survivors (159.90; 159.92; 159.94; 159.99), provide adequate resources to rehabilitation centers for trafficking victims (159.93) and effectively sanction the perpetrators (159.91; 159.102).

3. Harmonization of domestic legislation with the Palermo Protocol

Harmonize Human Trafficking and Transportation (Control) Act, 2007 by incorporating all forms of trafficking in the definition and amending other provisions (159.98) and the Foreign Employment Act, 2007 to ensure consistency with the Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children (159.98; 159.103).

B. CURRENT STATUS AND IMPLEMENTATION STATUS OF THE PREVIOUS RECOMMENDATIONS

1. Current Status

The data by the Anti-Human Trafficking Bureau, Nepal, reveals that the number of registered cases is on an increasing trend from 152 in 2021/22, 163 in 2022/23, to 170 in 2023/24. 125 cases have already been registered in 2024/25 with a few months remaining. The Report by the National Human Rights Commission is even more daunting as it states that “*even though data has been retrieved from various sources, a huge number of human trafficking incidents have not come to light*”². The report has estimated around 40,300 victims of Human Trafficking, with an estimated 1,914,000 at risk.³ Having this larger section of victims who are in shadow and unreported is concerning, reflecting the lack of preventive efforts, awareness, violation of the rights of victims, ineffectiveness of the reporting mechanism, and

² NHRC, National Report on Trafficking Persons in Nepal 2022. Kathmandu: National Human Rights Commission, Page 78, 2022, https://www.nhrcnepal.org/uploads/publication/TIP_Report_Inner_compressed.pdf [in Nepali language].

³ Id. at 77.

justice administration. This deteriorating state has been further supported by the downgrade of Nepal from Tier-2 in 2021⁴ to Tier-2 Watchlist in 2024⁵.

2. Continued Efforts to combat slavery and trafficking

The implementation of recommendations concerning the continued and intensified efforts against human trafficking is '*in the process*'.

- The Ministry of Women, Children, and Senior Citizens (MoWCSC) has increased its efforts in coordination with civil society organizations as the Ministry reviewed progress and discussed the possible areas of collaboration with 16 CSOs.⁶
- The process of preparing and broadcasting awareness materials against human trafficking and transportation has started.⁷
- The revised draft of the National Policy against Human Trafficking has been submitted to the Ministry following the ministerial-level discussions.⁸
- The National Policy⁹ as well as the National Action Plan against Human Trafficking and Transportation have been drafted, but it is yet to be adopted.¹⁰
- The efforts against Human Transportation and Trafficking have not been translated into a federal structure. Only Lumbini Province and some local levels have enacted anti-trafficking laws or laws relating to the rehabilitation center for TIP survivors, whereas Bagmati Province has an anti-trafficking policy.

3. Rights of victims/survivors of TIP

- The Standard Operating Procedure and Ethical Guideline, Guidelines on the identification of Human Trafficking and Transportation Victims, and

⁴ <https://www.state.gov/reports/2021-trafficking-in-persons-report/nepal/>

⁵ Nepal - United States Department of State

⁶ Ministry of Women, Children and Senior Citizens, Pro-active Disclosure (October- December 2024), <https://mowcsc.gov.np/category/the-publication-of-themselves/> [in Nepali language].

⁷ *Id.*

⁸ *Id.*

⁹ Ministry of Women, Children and Senior Citizens, Pro-active Disclosure (October- December 2024), <https://mowcsc.gov.np/category/the-publication-of-themselves/> [In Nepali language].

¹⁰ <https://ekantipur.com/en/bibidha/2024/07/19/human-trafficking-and-human-smuggling-prevention-and-legal-status-11-40.html>

Standard Operating Procedures for the Rescue and Repatriation of Victims of Human Trafficking have been submitted by various institutions like the National Women's Commission, Attorney General, etc.¹¹ , but these documents are yet to be adopted. According to the MoWCSC, these drafts are not yet adopted because of the legal hurdle, i.e., Section 29 of the Human Trafficking and Transportation (Control) Act, 2007, has only empowered the Government of Nepal to formulate necessary Rules, but does not mention SOPs, Procedures, Guidelines, etc. Thus, the implementation status of recommendations relating to this is '***in the process***'.

- The Government of Nepal must establish rehabilitation centers as per the need to treat the victims physically as well as psychologically, rehabilitate them in society, and ensure their reunion with family.¹² Currently, there are 10 rehabilitation centers in 10 districts of Nepal, run in collaboration or with financial support by MoWCSC and Civil Society Organizations (CSOs)¹³¹⁴ , with no increment in number from the last reporting period.¹⁵ Thus, there is '***no progress***' in the past cycle.
- MoWCSC has been reimbursing the managerial cost of rehabilitation centers, monitoring them, and providing skill-based training, like computers and Montessori training to the victims in rehabilitation centers.¹⁶ However, the Ministry's reports and Proactive Disclosure do not reflect any such comprehensive measures taken by the Government to rehabilitate victims into society or ensure family reunion.

¹¹ The Asian Foundation and other, Supplemental Standard Operating Procedure for Victims of Gender-Based Violence and Victims of Trafficking, Nepal Bridging document for GBV and TIP English

¹² The Human Trafficking and Transportation (Control) Act, 2007, Section 13

¹³ MoWCSC, National Report on Human Trafficking and Transportation (Control), Page 25 (2022).

¹⁴ *Ibid.* Out of 77 districts in Nepal, rehabilitation centers only in Jhapa, Parsa, Chitwan, Kathmandu, Sindhupalchowk, Rupandehi, Banke, Kaski, Surkhet and Kailali.

¹⁵ NHRC, National Report on Trafficking Persons in Nepal 2019. Kathmandu: National Human Rights Commission, 2019.; Winrock International, Analysis of Practices and Approaches to Reintegrate TIP Survivors in Nepal (Shelter services, 1 (March 2023), Microsoft Word - Topic 3 Analysis of Practices and Approaches to Reintegrate TIP Survivors in Nepal Shelter Services.docx

¹⁶ Ministry of Women, Children and Senior Citizens, Pro-active Disclosure (July-August 2024), <https://mowcsc.gov.np/content/156/automatic-publication--2080-071-shravan---asoj/#flipbook-flipbookContainer/1/> [in Nepali language] .

- The data by the Anti-human Trafficking Bureau¹⁷, 25th May 2025, shows that only 221 out of 472, i.e., 46.82% and only 224 out of 730, i.e., 30.68% accused of anti-human trafficking were arrested in 2022/23 and 2023/24, respectively. Furthermore, as mentioned above, the report by NHRC has clearly shown that a huge number of human trafficking and transportation cases are still not reported. This reflects under-reporting and a lack of effective investigation, in turn leading to rampant impunity in human trafficking cases.

4. Harmonization of Domestic Legislation with the Palermo Protocol

The implementation status of the recommendation regarding the harmonization of the Human Trafficking and Transportation (Control) Act, 2007, with the Palermo protocol is '*in process*' and '*partial*'. The Bill Amending the Human Trafficking and Transportation (Control) Act, 2007 has been registered in the Parliament and scheduled for the table, has proposed the following major amendments:

- Extended the definition of 'exploitation' to include the act of involving someone in prostitution, forced labor, or services. However, the proposed definition has yet to include sexual exploitation, slavery, and servitude within the definition, thus still not aligning with the Palermo Protocol.
- The definition of Human Trafficking under Section 4 of the Act has limited it to the transfer of people from one place to another within Nepal only, and from Nepal to a foreign country. The prevailing provisions, as well as the proposed amendments, have failed to incorporate Nepal as the country of destination and transit for human trafficking. Furthermore, the definition is limited to the purpose of 'buy and sale' and has not incorporated the purpose of 'sexual exploitation, organ trafficking, etc.,' excluding these acts from the ambit of human trafficking. Furthermore, the prevailing Act has defined human trafficking and human transportation as two different charges, which is unique to Nepali legislation only. This is problematic in

¹⁷ Anti-human Trafficking Bureau, fifth yearly data regarding the cases registered and rescued over Nepal, (Last updated on 25th May 2025), ahtb.nepalpolice.gov.np

the sense that it is a transnational crime, and to ensure extradition, the definition of the crime between the countries involved should be uniform.

- The Bill has proposed to add a provision after Section 4(2)(b) that holds the acts to be trafficking even if there is no element of fraud, coercion, force, kidnapping, etc. in case of the child as they are unable to form ‘consent’, thus, addressing the ‘child trafficking’.
- The Act has failed to distinguish human trafficking and transportation from human smuggling, as ‘human smuggling’ has been defined as a subset of ‘human transportation’.
- The Bill has not proposed any amendments to prevent human trafficking carried out via technology (cyber slavery).
- The Bill has proposed amendments towards the prevention of human trafficking and transportation with the incorporation of provisions relating to border and airport monitoring.¹⁸ However, these provisions are not extensive in extent to align with Article 9 of the Palermo Protocol. The Bill has not proposed any measures of research, information, mass media campaigns, economic initiatives, efforts of cooperation with other countries, as well as non-governmental organizations, etc., thus failing to introduce a comprehensive preventive regime.
- The Bill in Section 15 has proposed the provincial committee, district committee, and local committee, but they have been provided as discretionary rather than mandatory.
- The implementation status of the recommendation regarding the harmonization of the Foreign Employment Act, 2007, with the Palermo Protocol is ‘*in process*’ and ‘*partial*’.
- The Ministry of Labour, Employment and Social Security had prepared a draft Bill to amend the Act and shared it with the public for ‘suggestions’ on 6 January 2025.¹⁹ The prevailing Act has defined ‘worker’ as a citizen of Nepal who gets foreign employment. The Bill has proposed to amend the

¹⁸ The Bill Amending the Human Trafficking and Transportation (Control) Act, 2007, Section 17 adding the Section 27 (a) in the original Act, <https://hr.parliament.gov.np/np/bills/qWUsRk11> [in Nepali Language].

¹⁹ [Notice regarding request for suggestion- 2081-09-22 B.S. | Ministry Of Labour, Employment and Social Security](#)

definition to define ‘worker’ as those citizens of Nepal who go to a foreign country after undergoing selection and foreign employment approval. Even though the proposed definition has failed to include those citizens of Nepal who are in the process of getting foreign employment approval, who are on leave, returnees, etc., the definition excludes a larger section of people from the protection under the regime. Furthermore, it has also failed to incorporate undocumented foreign employment workers, leaving them out of the protection under the Act.

C. RECOMMENDATIONS

- **Continued Efforts to Combat Slavery and Trafficking**

Intensify efforts against human trafficking and transportation by further strengthening coordination with CSOs, finalizing and broadcasting awareness materials, adopting the National Policy and National Action Plan against human trafficking and transportation without delay, and translating anti-human trafficking efforts into the federal structure.

- **Rights of Victims/Survivors of TIP**

- Adopt the Standard Operating Procedure and Ethical Guidelines, Guidelines on the Identification of Human Trafficking and Transportation Victims, and Standard Operating Procedures for the Rescue and Repatriation of Victims of Human Trafficking.
- Increase rehabilitation centers to at least cover a few municipalities with a rehabilitation center. Also, empower and equip them with adequate resources.
- Introduce measures to rehabilitate the TIP survivors in society, reunite them with their families, provide them with counseling, medical, psychological, and material assistance, and ensure their employment by providing educational and training opportunities as per the Palermo Protocol.

- Conduct country-wide research on under-reporting of the cases as well as on lower arrest rates of the accused and address the gap accordingly to ensure that perpetrators are appropriately sanctioned.
- **Harmonization of Domestic legislations with the Palermo Protocol**

The Bill Amending the Human Trafficking and Transportation (Control) Act, 2007 should be passed with the further reforms as follows to align with the Palermo Protocol:

 - Include sexual exploitation and servitude in the definition of 'exploitation'.
 - Include the purposes of 'sexual exploitation, organ trafficking, etc.' in the definition of human trafficking.
 - Incorporate Nepal as a country of destination as well as a transit in cases of human trafficking.
 - Remove the demarcation between human trafficking and transportation to maintain uniformity in the definition.
 - Distinguish 'human smuggling' from 'human trafficking' and make a separate Act, if possible, and if not, at least separate provisions for it.
 - Address technology-facilitated human trafficking or cyber slavery through the Bill.
 - Mandate provincial and municipal committees under the Act.
 - Introduce a comprehensive preventive regime under the Act, like measures of research, information, mass media campaigns, economic initiatives, efforts of cooperation with other countries, as well as non-governmental organizations, etc., in line with Article 9 of the Palermo Protocol.
- Expedite the amendments of the Foreign Employment Act, 2007, in line with the Palermo Protocol.
- **Other Amendments**
 - Amend Section 29 of the HTTCA empowering the Government to formulate SOPs, Procedures, and Guidelines, and removing the legal barriers that prevented the Government from adopting them.

- Ratify Protocol against the Smuggling of Migrants by Land, Sea, and Air, supplementing the United Nations Convention against Transnational Organized Crime 2000.

II. HARMFUL PRACTICES

A. PRIOR RECOMMENDATIONS

In the 3rd cycle of the Universal Periodic Review, Nepal received various recommendations from the different countries in the Working Group. Among them, Nepal had supported the following recommendations:

1. Effective Implementation of Law

Effectively enforce and implement the criminalization of *Chhaupadi* and wedding dowries (159.159; 159.161) and prosecute as well as impose sanctions on perpetrators (159.161)

2. Awareness and Policy Measures

Raise awareness among all the stakeholders against harmful practices (159.161; 159.173 159.179; 159.194; 159.194; 159.196) and strengthen policy measures to eliminate harmful traditional practices (159.159).

B. CURRENT STATUS AND IMPLEMENTATION STATUS OF THE PREVIOUS RECOMMENDATIONS

1. Current Status

The current scenario still reflects the prevalence of harmful practices in Nepal. The cases registered for the accusation of witchcraft in 2021/22, 2022/23, and 2023/24 are 49, 43, and 23, respectively.²⁰ Domestic news reports also have shown that women are beaten on the accusation of '*boksi*', i.e., 'witch'.²¹ Similarly, the cases

²⁰ Nepal Police Factsheet on Gender-based Violence – 2023/24; Nepal Police Factsheet on Gender-based Violence – 2022/23; Nepal Police Factsheet on Gender-based Violence – 2021/22

²¹ <https://ekantipur.com/news/2023/09/01/169353284017476765.html>

registered for bigamy in 2021/22, 2022/23, and 2023/24 are 809, 723, and 653, respectively.²²

2. Effective Implementation of Laws and Awareness

The local newspaper also reported that girls are compelled to drop out of school and marry at an early age so that less dowry can be paid²³, and women are getting killed over dowry.²⁴ *Chhaupadi* (the practice of secluding women in a 'goth' cow shed during menstruation) is still in practice in various parts of Nepal, subjecting them to sexual assault, deaths by asphyxiation, snakebite,²⁵ wild animal attack²⁶, and overall deprivation of their freedom and human rights²⁷. These 'sheds' were destroyed, but the practice was not,²⁸ as women were found to be living under temporary tents during menstruation in the absence of sheds.²⁹ This reflects the '**poor implementation**' of the law, and the level of awareness is '**low**'.

3. Legal Gaps

Section 165 of the National Criminal Code, 2017 has criminalized 'anyone undermining anyone's social rites and rituals' but has failed to include the rituals constituting racial discrimination within its ambit. While this provision has protected the 'social rites and rituals', it has failed to particularly and explicitly recognize and prohibit violence and taboos perpetrated against women, disregarding the fact that, largely and mostly, women are subjected to discrimination and violence based on social rites and rituals.

²² Nepal Police Factsheet on Gender-based Violence – 2023/24; Nepal Police Factsheet on Gender-based Violence – 2022/23; Nepal Police Factsheet on Gender-based Violence – 2021/22

²³ <https://kalikatimes.com/2025/05/46375/>

²⁴ <https://kathmandupost.com/province-no-5/2022/12/29/women-in-madhesh-are-being-murdered-over-dowry> ; <https://www.nepallivetoday.com/2023/06/11/two-women-allegedly-killed-for-dowry-in-sarlahi/> ; <https://myrepublica.nagariknetwork.com/news/two-women-allegedly-killed-for-dowry-in-sarlahi> ; <https://kathmandupost.com/editorial/2022/12/29/scourge-of-patriarchy> ; <https://myrepublica.nagariknetwork.com/news/dowry-still-killing-dreams-in-nepal-s-terai> ; <https://risingnepaldaily.com/news/40220>

²⁵ <https://kathmandupost.com/sudurpaschim-province/2024/07/04/chhaugoth-demolition-drive-to-resume-in-achham>

²⁶ <https://risingnepaldaily.com/news/56135>

²⁷ <https://gender.cgjar.org/news/exploring-menstrual-taboos-nepal-using-new-empowerment-indicators-water-sanitation-and-hygiene>

²⁸ <https://kathmandupost.com/sudurpaschim-province/2024/08/28/menstruation-taboo-is-keeping-many-achham-girls-and-female-teachers-from-school>;

²⁹ <https://ekantipur.com/en/news/2024/04/20/chhaugoth-was-destroyed-chhaupadi-was-not-destroyed-17-47.html>

C. RECOMMENDATIONS

- **Implementation of Law, Awareness, and Policy Measures**

Introduce an evidence-based and research-based action plan as well as policy measures incorporating preventive as well as protective approaches instead of only punitive approaches, including targeted awareness programs against harmful practices.

- **Legal Gaps**

Amend Section 165(1) of the National Criminal Code, 2017, to explicitly recognize the unfairness women go through because of social rites and rituals and criminalize such forms of gender-based discrimination.

III. VIOLENCE AGAINST WOMEN AND GIRLS

A. PRIOR RECOMMENDATIONS

In the 3rd cycle of the Universal Periodic Review, Nepal received various recommendations from the different countries in the Working Group. Among them, Nepal had supported the following recommendations:

1. Strengthening Legislation to Combat Sexual Violence

Strengthen legislation to combat sexual violence and end discriminatory measures against women and girls (159.195) at all levels of society, including against lesbian, gay, bisexual, transgender, and intersex persons (159.192).

2. Gender-responsive Service and Justice

Ensure effective access to gender-response services and justice (159.184, 159.202, 159.163; 159.169; 159.171), create a safe environment for reporting, and adequately investigate all reports (159.185; 159.188).

3. Expansion of Presidential Program to Combat Gender-based Violence

Step up efforts to eliminate all forms of gender-based violence within the framework of the relevant presidential program (159.164).

4. National Action Plan on Gender Empowerment

Expedite the adoption of a national action plan on gender empowerment and include measures to combat gender-based violence (159.168).

5. Rights of Victims

Strengthening the victim protective measures (159.201) ensures the compensation for victims (159.173; 159.196), provides sustainable funding for enough safe shelters (159.187; 159.189) and for one-stop crisis management (159.189), and other necessary services for victims (159.169).

6. Alignment of Rape Law with International Standards

Align rape laws with international standards (159.197).

B. CURRENT STATUS AND IMPLEMENTATION STATUS OF THE PREVIOUS RECOMMENDATIONS

1. Current Status

The data from the last three years by Nepal Police reflects that sexual violence is still rampant in Nepal. In 2023/24,³⁰ 2507 rape cases, 460 attempts to rape, 1 acid attack, and 16416 domestic violence cases were registered in Nepal. In 91.1% of cases, the accused was someone known to the victims (with 53.4% casually known, 24.36% neighbors, 11.85% family relatives, and 1.47% teachers). The data also showed that 98.68% of the accused were male, whereas 99.39% of the victims were female.

In 2022/23,³¹ 2387 rape, 518 attempts to rape, 3 acid attacks, and 16519 domestic violence cases were registered. 88.2% of the accused in the cases were someone known to the victims. 98.97% of the victims were female, whereas 98.85% of the accused were male.

³⁰ Nepal Police Factsheet on Gender-based Violence – 2023/24, <https://www.nepalpolice.gov.np/publication/5/> [in Nepali language]

³¹ Nepal Police Factsheet on Gender-based Violence – 2022/23, <https://www.nepalpolice.gov.np/publication/5/> [in Nepali Language].

In 2021/22,³² 2380 rape cases, 655 attempt to rape cases and 17000 domestic violence cases were registered. 83.15% of the accused were known to the victims, and 99.29% of the accused were male. 98.97% of the victims were female.

Many of the cases are found to be not reported because women who are subjected to violence within their family have the compulsion to stay in the same house post-reporting as well.³³

2. Gender-responsive Service and Justice

The recommendation regarding the development of gender-responsive services is '*in process*' and '*not yet completely realized*'. Many cases are not even reported, and even when they are, they are forced to unauthorized and illegal reconciliation³⁴. Local news has also reported instances of Police refusing to file FIRs and, on the contrary, even subjecting victims to custody.³⁵ The police have also been found to be involved in facilitating mediation between perpetrators and victims.³⁶ Furthermore, Nepal Police has only 12.2 percent of women in the service,³⁷ meaning an inadequate women officers. Also, the study has found that Nepal Police also lacks gender-sensitive and responsive infrastructure, affecting a safe, confidential, and respectful environment for victims.³⁸

3. Expansion of Presidential Program to Combat Gender-based Violence

The Policy and Program 2024/25 of the Nepal Government has changed the name of the President Women Upliftment Program to the National Women Upliftment Program.³⁹ It has been said to be used for the economic empowerment of women by ensuring their financial reach and developing the entrepreneurship of marginalized women. The Policy and Program have also stated that victims of

³² Nepal Police Factsheet on Gender-based Violence – 2021/22, <https://www.nepalpolice.gov.np/publication/5/> [in Nepali Language].

³³ *Id.*

³⁴ National Human Rights Commission, Situation of Human Rights in the Annual year 2023/24, Pages 49, 50, 51 [https://www.nhrcnepal.org/uploads/publication/Human_Rights_Situation_\(2080%E2%80%93932081\)_Fixed.pdf](https://www.nhrcnepal.org/uploads/publication/Human_Rights_Situation_(2080%E2%80%93932081)_Fixed.pdf) [in Nepali Language].

³⁵ <https://nayapage.com/archives/594580>

³⁶ https://www.nhrcnepal.org/nhrc_new/doc/newsletter/GPV_Report.pdf

³⁷ <https://theannapurnaexpress.com/story/52657/>

³⁸ <https://www.adb.org/sites/default/files/project-documents/55092/55092-001-rrp-en.pdf>

³⁹ Government of Nepal, Address by Rt. Honorable President Ramchandra Poudel to both the Houses of the Parliament (Plans and Policies of Government of Nepal), 2025, p 34, <https://www.opmcm.gov.np/#> [in Nepali Language].

sexual violence shall be provided with immediate protection, treatment, psychological counseling, speedy justice administration, and strict punishment for the perpetrator, but it has failed to incorporate adequate compensation and other aspects of social rehabilitation under it. The budget allocation has also been framed in the same way. Thus, the President Woman Upliftment Program (Now, National Woman Upliftment Program) has not been reformed to address the various dimensions and forms of sexual violence as recommended. Thus, '**no progress**' can be seen in the implementation.

4. National Action Plan on Gender Empowerment

The Plan of Action to implement the National Gender Equality Policy, 2021, was adopted by the Ministry in 2023/24 (2080) and included measures to combat gender-based violence. Thus, the implementation of this recommendation is '**complete**'.

5. Rights of Victims

- Despite the recognition of the victim's right to compensation and social rehabilitation,⁴⁰ the related provisions are scattered across various laws, leaving room for discretion and at times 'confusion'.
- Only 21 government-supported safe houses⁴¹ are inadequate for the victims of GBV. They lack universal design and reasonable accommodation services, as well as social rehabilitation and family integration services.⁴²

6. Alignment of Rape Law in line with International Standards

The implementation status of the recommendation regarding rape law is '**in process**' and '**partial**'.

- Model rape law⁴³ states that the criminal provisions on rape should cover and protect all persons, without any discrimination, including boys, and gender-diverse persons. The existing rape provision of Nepal has

⁴⁰ Constitution of Nepal, Article 21.

⁴¹ Seventh periodic report submitted by Nepal under Article 18 of the Convention, due in 2022, received on 5 July 2023, https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/SessionDetails1.aspx?SessionID=2774&Lang=en.

⁴² <https://saathi.org.np/wp-content/uploads/2023/02/Detailed-mapping-of-Women-Shelters.pdf>

⁴³ Human Rights Council, A Framework for Legislation on rape (Model Rape Law), A/HRC/47/26/Add.1.

envisioned only women as the victims of the rape.⁴⁴ On April 20, 2025, the Ministry of Women, Children, and Senior Citizens shared a Bill Amending the National Criminal Code, 2017, which is Section 47 has proposed to amend Section 219(2) of the original Act. The Bill uses the term ‘individual’ instead of ‘woman’, thus including the protection of all persons.

- Model rape laws⁴⁵ also require the criminalization of all types of penetration of a sexual nature (vaginal, anal, or oral) by any bodily part or an object, without consent as rape in all definitions. However, the National Criminal Code does not define it according to the Model Rape Law.
- Section 219(4) of the National Criminal Code, 2017 criminalizes marital rape and provisions the punishment ‘up to 5 years of imprisonment’. The range of punishment is lower than in other rape cases (perpetrated by those other than the husband) implicating that marital rape is a lesser offense than other rape. Furthermore, the provisions have also given discretion to the Court in sentencing to any amount of up to 5 years imprisonment with no minimum range. FWLD came across a case with the pseudonym for the victim, *Jawalakhel -7* and pseudonym of the perpetrator, *Belbari-ka*, the court convicted the perpetrator of the Marital rape and provisioned the punishment of 13 months imprisonment and NPR Two-hundred thousand compensation to the victims, reflecting the minimum punishment for the perpetrators in the case. This not only differentiates and creates a hierarchy in rape based on marital status but also undermines the gravity of the offense as well as creates inconsistent and in many cases, the minimum punishment for the perpetrators. The Bill in Section 48 has proposed a more problematic provision than the existing one by decreasing the punishment to ‘up to 3 years imprisonment’.
- Model Rape law has stated that consensual sexual relations between children younger than 16, or between a child younger than 18 years old and a child older than 14 and younger than 16 should not be criminalized. Existing legal provisions do not have provisions like this that address the

⁴⁴ National Criminal Code, 2017, Section 219(2).

⁴⁵ Human Rights Council, A Framework for Legislation on rape (Model Rape Law), A/HRC/47/26/Add.1.

developmental capacity of adolescents. However, Bill has proposed the concept of age mate relationship and stated that if both are minors, the difference between their age is 3 years or less, and the sexual relationship is established in consent, then they shall be liable to punishment up to 3 years of imprisonment. Furthermore, in case they have attained the age of 16 but not 18, they are liable to half the punishment of rape. The Bill has introduced the concept of age-mate relationship, but the proposed provision does not align with the Model Rape Law's requirement of decriminalization of relationships of this kind, and causes the following serious implication:

- Under this, suppose, if a girl of 13 years old (representing a minor) and a boy of 15 years old (a minor) are involved in a consensual sexual relationship, then the proposed amendments can lead both the girl and boy to imprisonment for up to 3 years.
- Model Rape Law states that the prosecution of rape should not be subject to any period of limitations in any circumstances. Even though the statute of limitation was increased in cases of sexual violence, including rape, it has not been completely removed. This restricts victims from seeking justice beyond the statute of limitations. The Bill has not addressed this.

7. Cyber Crime against Women and Girls

The cases of cybercrime against women are increasing. In 2023/24, 8363 cybercrimes against women and 364 against girls were registered.⁴⁶ In 2022/23, 4590 cybercrime cases against women and 130 against Girls were registered, with an increment of 54.88% from 2022/23 to 2023/24, subjecting them to psychological turmoil even after the complaint is addressed.⁴⁷ Current legislation, i.e., the Electronic Transaction Act, 2008, is not sufficient to address all the forms of

⁴⁶ Pradipraj Awasthi (Information Officer, Cyber Bureau, Nepal Police Headquarter), *Cyber Crime, its impact on women and the way forward*, 143, WOMEN'S SITUATION IN NEPAL, Part 3, 2023, Page. 144.

⁴⁷ <https://kathmandupost.com/national/2024/09/05/nepali-women-and-girls-under-siege-in-digital-space#:~:text=Maya%E2%80%99s%20ordeals%20speaks%20volumes%20about%20how%20violence%20against,bullying%20to%20sexual%20harassment%2C%20trolling%2C%20fraud%2C%20and%20blackmail>.

cybercrime.⁴⁸ Also, no legislation relating to SGBV has incorporated technology-facilitated violence within it.

On 10th June 2025, the Ministry of Information and Technology registered the Information Technology and Cyber Security Bill, 2025 in the Parliament.⁴⁹ The Bill in Section 83 has prohibited and criminalized the unauthorized access to the user's account, Section 86 has dealt with Privacy, Section 88 has criminalized the production, distribution, publication, broadcast, buying, and sale of obscene materials, Section 94 has criminalized the misuse of identity and Section 95 has addressed the crimes conducted with the use of AI. Despite these provisions, the proposed Bill has failed to protect women and children as it does not specifically prohibit cyberbullying, sexual harassment, and abuse in online forums, etc.

8. Technology Facilitated Violence against Women and Girls.

The forms of VaWG are changing⁵⁰ and are technology-facilitated. But special legislation like HTTCA, Domestic Violence (Offence and Punishment) Act, 2009, etc., has not been incorporated or amended to include the prohibition and protection against Technology-facilitated Violence.

C. RECOMMENDATIONS

• Gender-responsive Service and Justice

Increase the number of women police officers, equip police officers with training on gender-responsive and victim-centric services, and build gender-sensitive and responsive infrastructure, ensuring a safe, confidential, and respectful environment for victims.

• Expansion of Presidential Program to Combat Gender-based Violence

⁴⁸ Pradipraj Awasthi (Information Officer, Cyber Bureau, Nepal Police Headquarter), *Cyber Crime, its impact on women and the way forward*, 143, WOMEN'S SITUATION IN NEPAL, Part 3, 2023, Page 145.

⁴⁹ <https://hr.parliament.gov.np/np/bills/1niCFeNs>

⁵⁰ National Human Rights Commission, Situation of Human Rights in the Annual year 2023/24, Pages 49, 50, 51, [https://www.nhrcnepal.org/uploads/publication/Human_Rights_Situation_\(2080%E2%80%93932081\)_Fixed.pdf](https://www.nhrcnepal.org/uploads/publication/Human_Rights_Situation_(2080%E2%80%93932081)_Fixed.pdf) [in Nepali Language].

Expand the scope and ensure the benefit of the National Women's Upliftment program to victims of sexual and gender-based violence, extensively.

- **National Action Plan on Gender Empowerment**

Effectively implement the Plan of Action to implement the National Gender Equality Policy, 2021.

- **Rights of Victims**

- Enact the Umbrella Law to support victims/survivors of SGBV, addressing different areas such as rescue, compensation, interim relief, treatment, psychosocial counseling, legal counseling, safe house, social rehabilitation, and livelihood opportunities.
- Increase the number and quality of safe houses that provide comprehensive social rehabilitation and family reintegration services, ensuring their accessibility to SGBV victims/survivors, including Women with Disabilities and children of survivors. Ensure at least one local transit home for immediate support.

- **Alignment of Rape Law in line with International Standards**

Amend rape law provisions in the National Criminal Code, 2074 to:

- Include the protection for all people, including, boys, and gender diverse people.
- Criminalize penetration (including with objects) in anus, and vagina as rape.
- Increase the punishment for marital rape and reduce the discretion of sentencing explicitly mentioning the minimum range of punishment.
- Recognize the developmental capacity of adolescents by introducing and implementing decriminalized age-mate relationships.
- Completely remove the statute of limitations for reporting cases of rape, ensuring that victims/survivors have unrestricted access to justice regardless of the time elapsed since the offense.

- **Cybercrime against Women and Girls**

Adopt a separate legislation prohibiting cybercrime with specific provisions that protect women from violence, including sexual violence perpetrated in cyberspace.

- **Technology-facilitated Sexual and Gender-based Violence**

Amend the special legislation relating to VaWG to address technology-facilitated violence.

IV. RIGHTS OF SEX WORKERS

A. CURRENT STATUS

The Palermo Protocol defines ‘trafficking in persons’ as involving the threat or use of force, coercion, abduction, fraud, deception, abuse of power, or exploitation.⁵¹ However, the Human Trafficking and Transportation (Control) Act, 2007 conflates adult consensual/voluntary sex work and Human Trafficking. The act defines using someone into prostitution with or without any benefit⁵², and going for prostitution⁵³, within its definition of Human Trafficking, thereby creating conceptual confusion. The Concluding Observations issued by the UN CEDAW Committee on the seventh periodic report of Nepal also stated that the legal definition of trafficking that conflates trafficking with sex work significantly impedes the rights of sex workers.⁵⁴

Despite sex workers not being directly criminalized under the prevailing laws⁵⁵, sex workers are frequently subjected to arbitrary arrests and detention by the law enforcement authorities⁵⁶. Sex workers are often arrested under Section 124 (public decency) of the National Criminal Code, 2017, and are accused of

⁵¹ Article 3(a) of the Palermo Protocol

⁵² Section 4(1) (b) of the Human Trafficking and Transportation (Control) Act, 2007

⁵³ Section 4(1) (d) of the Human Trafficking and Transportation (Control) Act, 2007

⁵⁴ Concluding Observations on the seventh periodic report of Nepal, February 2025, available at <https://docs.un.org/en/CEDAW/C/NPL/CO/7>

⁵⁵ Section 119 and 120 of the National Criminal Code, 2017 criminalizes solicitation of prostitution and the act of knowingly providing a house, land, or means of transport for the purpose of prostitution or for having sexual intercourse with a sex worker; Section 2(c) of HTTCA, 2007 defines victim as a person who is sold, transported or put into prostitution”

⁵⁶ Hritika Sharma, Living in Shadows: Navigating the Realities of Sex Work in Nepal, The Diplomat, March 2025, available at <https://thediplomat.com/2025/03/living-in-shadows-navigating-the-realities-of-sex-work-in-nepal/>

engaging in trafficking.⁵⁷ Police often use a condom as ‘evidence’ of solicitation to arrest sex workers.⁵⁸ Furthermore, a study conducted in Kathmandu revealed that female sex workers often experience verbal aggression, physical violence, sexual harassment, assault, and other forms of violence.⁵⁹ The derogatory terms associated with sex workers, such as ‘prostitution’ and ‘prostitute’ make them more vulnerable and are subjected to stigmatization.

B. RECOMMENDATIONS:

- Decriminalize all aspects of adult consensual/voluntary sex work.
- The conflation of consensual/voluntary sex work with human trafficking under the Human Trafficking and Transportation (Control) Act, 2007, should be amended to remove consensual/voluntary sex work from the scope of human trafficking.
- Formulate a comprehensive law to protect sex workers from violence and exploitation by establishing effective monitoring mechanisms that provide voluntary and accessible exit plans with alternative livelihood options for those who wish to exit sex work.
- The use of derogatory terms such as ‘prostitution’ and ‘prostitute’ should be amended, and the terms ‘sex work’ and ‘sex worker’ should be used respectively.

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⁵⁷ Pratik Ghimire, Neglected and Criminalized: Sex Workers demand legal reform, The Annapurna Express, March 7, 2025, available at <https://www.theannapurnaexpress.com/story/52646/>

⁵⁸ Discrimination and violence to Female Sex Workers and Third Gender Women Sex Workers of Nepal, Shadow Report, SWAN, September 2018

⁵⁹ Sarmila Kumari Saud, Bhagwan Aryal, & Chhabi Lal Ranabhat, Experience of Violence and Health Issues among Female Sex Workers in Kathmandu, Contemporary Research: An Interdisciplinary Academic Journal, 2024, vol. 7 (1): 117-137, available at <https://www.nepjol.info/index.php/craiaj/article/view/67262/51106>