

**United Nations Human Rights Council
Universal Periodic Review
Federal Democratic Republic of Nepal**



Submission of Jubilee Campaign USA, Inc.
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Jubilee Campaign promotes the human rights and religious liberty of ethnic and religious minorities; advocates the release of prisoners of conscience; and protects and promotes the freedom and safety of children from bodily harm and sexual exploitation.

A Vital Voice for Those Suffering in Silence

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**United Nations Human Rights Council
Universal Periodic Review of Member-State Nepal (officially the Federal Democratic Republic of Nepal)**

Jubilee Campaign, in special consultative status with ECOSOC, submits this analysis of the trafficking in humans issue, freedom of religions, and human rights in the Federal Democratic Republic of Nepal (Nepal) as a contribution to the Universal Periodic Review of UNHRC member-state Nepal.

Trafficking in Persons

1. The Constitution of Nepal, drafted in 1990, contains a Right Against Exploitation provision, which prohibits trafficking in human beings, slavery, serfdom or forced labor in any form (Article 20).¹ In addition, the 2007 Trafficking in Persons and Transportation (Control) Act prohibits the selling of persons domestically or abroad and prescribes penalties of up to 20 years of imprisonment.²
2. Despite Nepal's anti-trafficking laws and the government's sporadic efforts to enforce those laws, trafficking remains a serious problem, especially the trafficking of women and children for commercial sexual exploitation. Nepali men, women, and children are also trafficked for domestic service, forced labor, work in circuses, and other purposes.³
3. It is estimated that every year, between 10,000 and 20,000 women and children, between the ages of nine and sixteen, are trafficked to India to work in brothels. Women and children are also trafficked into other South East Asian countries or Middle Eastern countries for sexual exploitation. Additionally, internal trafficking appears to be growing every year due to lingering effects of the insurgency, which caused many rural women and children to leave their homes seeking employment and greater security in urban areas.⁴
4. Nepali girls and women in Indian brothels are abused psychologically, physically, and sexually. In addition, because of their illegal status and the illegality of their employment, they live in constant fear of being arrested and imprisoned, which gives more power and control to the traffickers. Also, most girls become infected with HIV/AIDS while working in the brothels without appropriate protection and medical treatment.⁵

¹ The Constitution of the Federal Democratic Republic of Nepal. November 9, 1990. Accessed June 24, 2010, available at http://www.servat.unibe.ch/icl/np00000_.html

² See Nepal, Trafficking in Persons Report, United States Department of State. June 22, 2010. Accessed June 24, 2010, available at <http://www.state.gov/g/tip/rls/tiprpt/2010/142761.htm>

³ See 2009 Human Rights Report: Nepal. March 11, 2010. Accessed June 24, 2010, available at <http://www.state.gov/g/drl/rls/hrrpt/2009/sca/136091.htm>

⁴ *Id.*; See also Call for Global Action to halt Nepalese women and girls trafficking. February 10, 2008. Accessed June 24, 2010, available at <http://www.americanchronicle.com/articles/view/51873>

⁵ *Id.*

5. Trafficking of women and children primarily occurs when individuals are deceived by false job opportunities or arranged marriages, or when parents or husbands sell their daughters or wives into sexual slavery, sometimes for as little as \$20.⁶
6. Most men face forced labor once trafficked. Most of them willingly sought legitimate employment but were deceived by traffickers about their destination country, the terms of their contracts, or they were subjected to debt bondage. Traffickers and employers often withhold passports, restrict movement, refuse to pay, threaten, deprive the men of food and sleep, and physically and sexually abuse them in order to maintain control.⁷
7. The underlying reason that anti-trafficking laws are not effectively enforced is the complicity of government officials, including politicians, state officials, and border police.⁸
8. Jubilee Campaign calls for the end of all forms of human trafficking and calls for Nepal to fully comply with the standards of its own laws, and for the government to develop regulations that would provide greater protection for trafficking victims and make more efforts to redress the wrongs committed against trafficking victims.

Religious freedom

1. The interim Constitution provides that “Every person shall have the right to profess, practice and preserve his/her own religion . . . , provided that no person shall be entitled to convert another person from one religion to another, and shall not act or behave in a manner which may jeopardize the religion of others” (Article 23).⁹ Proselytizing is prohibited because the government fears it will threaten the unity of the majority Hindu country.
2. Nepalese authorities effectively restrict Tibetan Buddhists by forcing them to get permission before holding any religious ceremonies. Furthermore, even if they are permitted to hold religious ceremonies, they are not guaranteed freedom from discretionary suppression and interference by the police, who in the past have shut down their activities and burned a picture of the Dalai Lama, their exiled spiritual leader.¹⁰
3. Even though it is not officially required for religious groups to register with the government, Christian, Muslim, and Jewish religious organizations are prevented from

⁶ See 2009 Human Rights Report: Nepal. March 11, 2010. Accessed June 24, 2010, *available at* <http://www.state.gov/g/drl/rls/hrrpt/2009/sca/136091.htm>

⁷ See 2009 Human Rights Report: Nepal. March 11, 2010. Accessed June 24, 2010, *available at* <http://www.state.gov/g/drl/rls/hrrpt/2009/sca/136091.htm>

⁸ See Nepal, 2009 Human Rights Report, United States Department of State. March 11, 2010. Accessed June 24, 2010, *available at* <http://www.state.gov/g/drl/rls/hrrpt/2009/sca/136091.htm>

⁹ The Constitution of the Federal Democratic Republic of Nepal. November 9, 1990. Accessed June 24, 2010, *available at* http://www.servat.unibe.ch/icl/np00000_.html

¹⁰ See International Religious Freedom Report 2009. October 26, 2009. Accessed June 25, 2010, *available at* <http://www.state.gov/g/drl/rls/irf/2009/127369.htm>

owning land unless they are registered, which would fundamentally prohibit them from establishing churches, mosques, synagogues, or burial sites.¹¹

4. Throughout 2008 and 2009, minority religious groups experienced persecution by a Hindu extremist group, known to be a terrorist group using religion as a cover. The terrorist group committed a series of violent crimes against religious minorities, including bomb explosion, murder, extortion, and abduction.¹²
5. The existence of the Hindu caste system, which categorizes all members of society into a status hierarchy, is deeply related to Hinduism. Even though the Constitution prohibits discrimination on the basis of caste, caste determines an individual's value, obligations, status, and behavior in society, and also limits social, economic, religious, legal, and political activities based on a person's rank order. For example, lower castes are prohibited from entering Hindu temples.¹³
6. Jubilee Campaign calls for the end of discrimination against people based on Nepal's caste system, as well as Nepal's discrimination of religious minorities. It also calls for greater protection of religious freedom in Nepal.

Integrity of the Person

1. In its global annual report, "The State of the World's Human Rights-2010," Amnesty International (AI) reports that the human rights situation in Nepal has worsened.¹⁴
2. The Maoist militias, has continuously abused human rights in various ways, including enforced disappearances and extrajudicial executions.¹⁵ The big problem is the impunity in Nepal for human right violators. The government refuses to initiate a thorough investigation against the Maoist militias despite requests for cooperation by international organizations, such as the United Nations Office of the High Commissioner for Human Rights (OHCHR).¹⁶
3. On March 10, 2010, a Nepal Army patrol shot and killed two women and one child while they were collecting the bark off trees in the Bardiya National Park. The murders were arbitrary and unlawful deprivations of life without any legitimate reasons.¹⁷
4. It is also reported that detainees in the prison often face cruel and inhuman torture while being interviewed or interrogated. According to a Human Rights Watch (HRW), young

¹¹ *Id.*

¹² *Id.*

¹³ *Id.*

¹⁴ See Human right situation has worsened in Nepal. May 27, 2010. Accessed June 25, 2010, available at <http://www.nepalnews.com/main/index.php/news-archive/2-political/6369-human-right-situation-has-worsened-in-nepal-amnesty-report.html>

¹⁵ See Nepal. 2009. Accessed June 25, 2010, available at <http://www.hrw.org/en/node/87397>

¹⁶ *Id.*

¹⁷ See National Human Rights Commission. April 1, 2010. Accessed June 25, 2010, available at http://www.nhrcnepal.org///publication/doc/reports/Bardiya_Killings_Rep_Eng.pdf

children in police custody are subjected to torture or abuse such as kicking, punching, the insertion of metal objects under toenails, and beating with bamboo sticks and plastic pipes.¹⁸

5. The right to counsel, equal protection, and public trials are not guaranteed in Nepal, and therefore legitimate and fair enforcement of law in regards to trial procedures is not guaranteed.¹⁹
6. Jubilee Campaign calls for respect of the law and protection of human integrity by reforming and training the security force to protect, rather than harm, individuals.

Children's rights

1. Vulnerable children are victimized in Nepal during political conflicts. Many children are deprived of an education when schools are shut down during strikes. Also, they can be injured or killed in bomb explosions, kidnapped, and trafficked. Many children eventually end up being held in brothels suffering sexual exploitation.²⁰
2. Because of lack of skilled health professionals and expensive medicines, every year, 11,000 children under five years of age die of various diseases.²¹
3. Children are forced to do hard labor in violation of the law stating that the minimum age for the employment of minors is sixteen for industry and fourteen for agriculture. On many occasions, the working conditions are hazardous for children.²²
4. Jubilee Campaign calls for protection of children's rights, which would guarantee the welfare of the conflict affected children and guarantee public education for all children. It is strongly recommended that the Nepali government strictly implement the anti-trafficking law, especially for the security of children.

Freedom of Speech and Press

1. Due to ongoing political instability, journalists are often harassed or threatened by various non-state groups, or by the state itself. Regardless of efforts to guarantee freedom of expression and of the press in an interim Constitution, the government still exerts

¹⁸ See 2009 Human Rights Report: Nepal. March 11, 2010. Accessed June 24, 2010, available at <http://www.state.gov/g/drl/rls/hrrpt/2009/sca/136091.htm>

¹⁹ *Id.*

²⁰ See Child sexual abuse increasing. August 21, 2008. Accessed June 25, 2010, available at http://www.cwin.org.np/index.php?option=com_content&view=article&id=10%3Achild-sexual-abuse-increasing&catid=3%3Apress-release&Itemid=8&lang=en

²¹ See Pneumonia Major Killer of Children. November 2, 2009. Accessed June 25, 2010, available at http://www.cwin.org.np/index.php?option=com_content&view=article&id=17%3Apneumonia-major-killer-of-children&catid=2%3Achildren-in-media&Itemid=35&lang=en

²² See 2009 Human Rights Report: Nepal. March 11, 2010. Accessed June 24, 2010, available at <http://www.state.gov/g/drl/rls/hrrpt/2009/sca/136091.htm>

excessive control over expression, especially if it is considered to incite social unrest or disparage others, which is an ambiguous standard.²³

2. Jubilee Campaign calls for unconditional freedom of the press, including the internet, in terms of freedom of expression of political opinions.

Summary of Recommendations

1. Nepal must substantially increase law enforcement activity against trafficking of women and address the growing problem of child trafficking. Nepal must strengthen its anti-trafficking laws and strictly enforce them against traffickers.
2. Nepal must take active steps to rid the political and legal system of discriminatory practices and inhumane treatment against individuals of minority religions. Nepal must protect the religious minorities from attacks by extremists.
3. Nepal must respect the due process of law and follow legitimate procedure in enforcing law. Also, Nepal must reduce government official's discretionary power and that they are bound by the law.
4. Nepal must protect children's rights from hazardous living or working conditions, risks of trafficking, and diseases and killings triggered by political conflicts.
5. Nepal must guarantee the independent role of the media and improved protection of journalists so as to raise public awareness, which would create and maintain a public atmosphere that discourages fraud and corruption.
6. Nepal must accept international intervention and supervision in the reformation of its political and security system in order to comply with international standards and prevent future acts of violence against its citizens.

²³

Id.