



Briefing Note

The Right to Adequate Food and Nutrition and Climate Justice

Submission for the Universal Periodic Review (UPR) of Nepal, 4th Cycle, 2026)

FIAN Nepal is a member-based human rights organization to promote and advocate for the realization of the human right to food in Nepal since December 2008.

Poverty and Lack of Enjoyment of the Right to Adequate Food and Nutrition

Compared to the third cycle of the UPR in 2020, Nepal has progressed considerably in reducing hunger and malnutrition the proportion of Nepal's undernourished population has almost halved since 2018 with 5.3% of Nepal's inhabitants still suffering from malnutrition. Within five years, the multidimensional poverty index (MPI) has been reduced from 28.6 percent to 20.1 percent (5.96 million people), with around one fifth of the population still considered poor. About two-fifths of the population cannot afford a healthy diet. Around a quarter of all children (25 %) under the age of five are chronically malnourished, and 7.0% suffer from acute malnutrition. 34 percent of women of reproductive age suffer from anemia in spite of several laws, policies and schemes.

Legal Framework

The Constitution of Nepal (2015) guarantees the right to food and food sovereignty as fundamental rights. The process for implementation of the Right to Food and Food Sovereignty Act (2018) as well as other laws and frameworks such as the Social Security Act, 2074 (2017), Act Related to the Right to Employment, 2075 (2018), Act relating to the Rights of Persons with Disabilities, 2074 (2017), National Park and Wildlife Conservation Act, 2029 (5th amendment), Multi-Sector Nutrition Plan III (2023-2030), Zero Hunger Challenge National Action Plan (2016-2025) etc policies, action plans, programs, and strategies support people's right to adequate food (RtF) specially for marginalized communities and groups. On 21 March 2024 the Government of Nepal approved the Right to Food and Food Sovereignty Regulation (2023) to open the way towards the implementation of the RtF and Food Sovereignty Act.

Implementation of Recommendations

Recommendations of the UPR 3rd cycle 2020 concerning the right to adequate food and nutrition are partially implemented and remain unimplemented to a wider extent. The Nepal Government approved the Right to Food and Food Sovereignty Regulation in March 2024 and formulated province level law/act/policy, mechanism, strategy action plan since then. Furthermore, the Nepal Government allocated resources – financial and human to make all the existing government mechanisms functional.

Key Challenges

Access to Land for Marginalized Communities: An overwhelming (36%) of Dalits fall into the category of extreme poverty, compared to only 18 percent of non-Dalits. Among Dalits, Terai Dalits are the most

economically disadvantaged, with 44 percent categorized as extremely poor. Dalit and indigenous people are the ones who usually have smaller sizes of land holdings and comprise a larger proportion of households being landless. Landlessness creates challenges to access basic services such as electricity, drinking water, agriculture inputs etc. As a result of their limited landownership, Dalits comprise the poorest of the poor in Nepal, in terms of income, consumption and human development. Constitution and laws entail provisions for land redistribution but those lack proper implementation.

Climate Change: Climate change significantly impacts agriculture and various other aspects of life in Nepal. The country faces high risks from natural disasters like floods, landslides and earthquakes, ranking 11th and 16th globally in vulnerability to earthquakes and multiple hazards, respectively. The rapid rise of maximum temperature, variations in rainfall and impact on access to food markets due to infrastructure destruction significantly impact on agricultural productivity. Nepal's Climate Change Policy 2076 (2019) under paragraph 8.1 of the policy 'agriculture and food security' sub points (of a-l) explicitly mentions food security and nutrition of people. However, the Government's focus is on distributing emergency aid (e.g. packaged food - noodles and beaten rice) rather than engaging in establishing mechanisms for compensating individuals and communities for economic and non-economic losses and damages, including livelihoods and property and developing and enforcing the implementation of coherent policies, programs and funds to address the climate induced disasters, disaster management plans and support affected communities post disaster to cope with rebuilding their lives and livelihoods.

National Park and Protected Areas in Nepal: National parks, wildlife conservation areas, hunting conservation areas, and conservation areas cover around 23.39% of the land of Nepal. People living in the buffer zones of parks and protected areas face restrictions in accessing natural resources. Particularly endangered and highly marginalized indigenous communities and local people relying on subsistence agriculture as well as fisher-folk are mostly impacted by park and conservation areas. The National Park and Wildlife Conservation Act, 1972 (5th amendment-2017) has tiny progressive provisions for specific groups of people regarding their access to resources like forests and rivers, in line with the rights set out by national and international human rights frameworks - UNDROP, ILO Convention 169 and UNDRIP article 26 (2). Despite the respective provisions in the Act, its implementation is weak. Affected communities are facing (a) extreme food insecurity, (b) are being displaced from their land and territory, (c) are forced to engaging in unsafe labor work, often as migrants (d), they experience the collapse of their culture, tradition and language, (e) and lose their identity both socially and politically being deprived from socio-political and cultural activities.

Recommendations

1. The Government should fully implement previous UPR recommendations formulating a comprehensive national action plan aligned with locally formulated annual/periodic plans and by localizing the recommendations relevant to the human right to adequate food and nutrition, and related rights.
2. The Government should fully implement the Right to Food and Food Sovereignty Act, 2018, Regulation 2024, Climate Change Policy, 2019, National Park and Wildlife Conservation Act, 1972 (5th Amendment 2017-article 5(2)), the Zero Hunger Plan of Action 2016-25 and related programs (Agriculture Promotion Program, Chure Conservation Program etc.) to ensure climate and

environmental justice, the realization of the right to food and nutrition for all, particularly targeting to the vulnerable, marginalized and disadvantaged communities and groups of society.

3. The Government should respect, protect and fulfil access to land and natural resources of Dalits, indigenous peoples and other marginalized communities who depend on land, forest and fisheries for their livelihoods, and make sure they are not dispossessed from their land and territories.
4. The Government must take effective measures to respect, protect and fulfil the right to a clean, healthy and sustainable environment, including guarantees for the right to remedy and reparations for climate change-related loss and damage and take effective action to hold polluting countries accountable.
5. The Government should conduct Loss and Damage Need Assessments that not only cover material losses, but also psychological, cultural and social impacts on the vulnerable and marginalized communities and should establish mechanisms for compensating individuals and communities for economic and non-economic losses.