

**Universal Periodical Review
Federal Republic of Nepal
Submission to the 51st session of the
Universal Periodic Review Working Group
UPR 4th Cycle - Geneva**

Land Rights in Nepal

Joint Submission by

Community Self Reliance Centre (CSRC) is a non-governmental organization focusing on land and agrarian rights campaign together with landless and land-poor communities in Nepal. CSRC empowers people who are deprived of their basic rights to land to advocate for free, secure and dignified lives in their communities.

National Land Rights Forum (NLRF) is a people's organization uniting those who are deprived of their land rights – bonded laborers, tenants, the landless, farmers, *haruwa*, *charuwa* and small-scale farmers – and mobilizing them to action. Since its establishment in 2004, NLRF has been working towards its vision of a society where all land-poor families live dignified lives.

Nepal Mahila Ekata Samaj (NMES) is a non-governmental organization of landless & informal settlement women scattered throughout 40 districts of Nepal campaigning from 2000. Aimed at promoting the landless women's social, economic, political empowerment, NMES participates in the local and national level programs and is committed to eradicate the forced displacement and the widespread patriarchal culture that discriminates women in Nepal.

Background:

Nepal's constitutional and international human rights commitments, including its endorsement of the United Nations Declaration on the Rights of Peasants and Other People Working in Rural Areas (UNDROP), promise inclusive access to land, housing, and food. Yet, for many marginalized communities, these rights remain aspirational rather than actualized. This advocacy briefing outlines persistent gaps and offers targeted recommendations in preparation for the UPR of Nepal scheduled for January 2026 (51st UPR session - 4th UPR cycle).

Persistent Gaps in Land Rights

Despite several legal reforms, **land tenure insecurity continues to undermine access to housing, food, and livelihoods**. The Right to Housing Act (2018) has not been fully implemented due to missing regulations and weak protections against eviction.

Unregistered Tenant farmers (*Mohi*) of private and Guthi (trust) lands continue facing legal ambiguity and eviction threats. Informal settlements remain unrecognized, and nearly 10% of the population lacks legal documentation of their homes.

Landlessness in Nepal remains a root cause of poverty, hunger, and social injustice. According to the Land Problem Resolution Commission, 88,895 Dalit households and 168,441 non-Dalit households have applied for land ownership until 2025.

Landless Dalits face systemic exclusion. Although the Constitution of Nepal (Article 40 – Fundamental Rights) guarantees land for housing and agriculture to landless Dalits, this constitutional provision has yet to be implemented even after a decade of its promulgation. In particular Article 40 (5) of the Constitution provides for land allocation. However, the absence of strong and justiciable legal provisions has stalled progress. Citizenship documentation barriers further marginalize already vulnerable communities like the Musahar, blocking access to land registration and public services.

Until 2025, a total of 872,181 informal settlers have applied to register the land they have been occupying and using for many years. Without legal ownership, these families remain deprived of the full benefits of land utilization.

Tenancy rights. The issue of tenant farmers whose farm records are not formally documented represent another complex dimension of landlessness. These tenants, who have been cultivating private and Guthi (trust) lands for generations, have not been able to secure tenancy rights as per the Land Act, 1964.

Even those private tenants who were formally granted tenancy rights under the Tenancy Land Distribution Act of January 1997, in practice very few tenants were only able to receive 50 percent land from the landowner even after 28 years. In cases where land partition has taken place, tenants have received less than half of the land to which they were legally entitled.

Food insecurity is widespread, exacerbated by fallow agricultural land, poor access to inputs, fragmented land use, and climate vulnerability particularly in Karnali and Sudurpashchim provinces. While Nepal has ratified key treaties and passed the Right to Food and Food Sovereignty Act, implementation remains slow.

The increasing involvement of domestic and foreign companies in agriculture has threatened the livelihoods of families who survive by cultivating others' land through sharecropping or leasehold arrangements. Landowners, lured by higher rents, are increasingly withdrawing land from traditional tenants and leasing it to companies instead.

Women's land rights have seen some progress through joint ownership campaigns and tax incentives. However, cultural norms and bureaucratic hurdles continue to limit women's control over land. Many lack the documentation needed to assert their rights, and institutional inefficiencies discourage land transactions.

Bonded laborers such as *Haruwa–Charuwa* remain in precarious conditions despite formal abolition of bonded labor. Without rehabilitation programs or identification cards, these communities struggle to access services and reintegrate into society.

In buffer zones near national parks, **Indigenous and marginalized communities** face insecure tenure and exclusion from conservation benefits. Eco-tourism and forest resources often benefit elites, while local residents endure poverty and poor services.

The human rights gaps are summarized below:

Issue Area	Identified gaps
Land tenure Security	Customary and informal tenure systems lack legal recognition; dual ownership persists; tenant farmers face eviction threats. Around 1.3 million landless and informal families live under threat of forced eviction due to insecure tenure and absence of legal land ownership. Numerous tenant farmers remain unregistered, leaving them excluded from legal protections and land ownership rights.
Unregistered tenants (<i>Mohi</i>) and Guthi issues	Based on constitutional provisions to end dual ownership and absentee landlordism, issues related to <i>birta</i> , <i>guthi</i> , and <i>mohi</i> systems still persist. Despite legal provisions under the Land Act, 1964 granting tenant farmers (<i>Mohi</i>) ownership of 50% of the land they cultivate, implementation remains weak due to landlord pressure and opaque legal processes. Although around 470,000 <i>Mohi</i> farmers have received certificates, there is no data confirming how many have secured actual land ownership. Similarly, Guthi (trust) land remains poorly regulated, with inadequate recordkeeping and revenue management. Farmers cultivating Guthi land are excluded from tenant rights, leaving them legally unprotected and vulnerable to exploitation.
Right to Adequate Housing	Nearly 10% of the population lacks legal recognition of homes; Right to Housing Act (2018) remains unenforced due to missing regulations.
Citizenship barriers	Musahar and other landless groups struggle to access documentation, blocking land registration and services.
Food insecurity	Fallow land, poor access to inputs, fragmented land use, and climate vulnerability undermine food sovereignty. The increasing involvement of domestic and foreign companies in agriculture has threatened the livelihoods of families who survive by cultivating others' land through sharecropping or leasehold arrangements.
Women's land rights	Although 23.8% of women have access to land, they lack decision-making and management rights. Three out of four women do not have property registered in their name, revealing a significant gap in implementation.

Bonded laborers	<p>Although bonded labor has been legally abolished, negative consequences still persist. Of the 32,509 identified Kamaiyas, only 25,195 in categories A and B have received land. Among 9,490 identified Kamlaris, only 25% have received identity cards. There are 16,322 verified Haliyas and 69,000 Haruwa-Charuwa in Madhesh Province.</p> <p>(Category A: Kamaiyas with full documentation and clear eligibility for land allocation. Considered the most vulnerable and prioritized for immediate support. - Category B: Kamaiyas with partial documentation or less urgent vulnerability. Eligible for land but placed after Category A in the distribution process.)</p>
Buffer zone tenure	<p>Indigenous and marginalized communities near national parks face insecure tenure and exclusion from conservation benefits. Accordingly, in the previous UPR of 2021, Marshall Islands recommended Nepal to “Ensure that the rights of indigenous communities regarding the use of their land are upheld through the revision of the legislation on this matter”.¹</p>

To fulfill its obligations under UNDROP and the Constitution, Nepal must take urgent, inclusive, and coordinated action. **We call upon Member States to address the following recommendations** -which are grounded in specific UNDROP articles and reflect the lived realities of affected communities- **to the government of Nepal during the upcoming 51st UPR session** (January 2026):

Legal Reference / Affected vulnerable groups	Proposed Recommended action
UNDROP, Article 4	Ensure zero discrimination in land allocation; mandate women’s participation in land governance bodies.
UNDROP, Article 15	Fully implement the Right to Food and Food Sovereignty Act; prioritize agroecological practices and land access for smallholders.
UNDROP, Article 17.3	Legally recognize customary tenure systems in order to protect indigenous people and local communities against arbitrary evictions.
UNDROP, Article 17 6.7	Allocate public land to landless peasants and bonded laborers; integrate climate resilience and sustainable land use.
Constitution of Nepal, 2015, Article 40	Define legal criteria for land allocation to Dalits; streamline documentation access for landless groups.
Domestic Law, Right to Housing Act (2018)	Finalize regulations; include eviction safeguards and recognition of informal settlements.
Women’s land rights	Expand joint ownership incentives; simplify documentation; train officials to reduce gender bias in land transactions
Indigenous’ rights	Buffer zone equity: Reform conservation policies to include tenure security and benefit-sharing for Indigenous and marginalized residents.

¹ Recommendation n. 159.219, Report of the Working Group on the Universal Periodic Review – Nepal, 30 March 2021, UN Doc. A/HRC/47/10.

<p>Unregistered tenants and Guthi Issues</p>	<p>Grant land ownership certificates unconditionally to farmers, prioritizing active land users, especially smallholder farmers, over absentee title holders.</p> <p>Establish transparent legal procedures with verified data to ensure the recognition of tenant rights for Guthi land cultivators, the systematic digitization of Guthi land records, and the drafting of a unified Land Act that integrates feudal systems like Mohi, Guthi, and Birta into a justice-based framework.</p>
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