



# General Assembly

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**Human Rights Council**  
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Agenda item 6  
**Universal Periodic Review**

## **Report of the Working Group on the Universal Periodic Review\***

### **Nepal**

#### **Addendum**

#### **Views on conclusions and/or recommendations, voluntary commitments and replies presented by the State under review**

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\* The present document was not edited before being sent to the United Nations translation services.

**Responses of the Government of Nepal (GON) to the recommendations contained in the report of the Working Group on the Universal Periodic Review (A/HRC/17/5), Part II, Paragraph 108:**

<i>Paragraph No.</i>	<i>Recommendations</i>	<i>Responses of Nepal</i>
108.1	Ratify the Rome Statute (Germany)	<p>The GON is engaged in developing requisite policy, legal and institutional infrastructures with a view to acceding to the Rome Statute. It has already tabled various Bills before the Legislature-Parliament. These Bills include Penal Code Bill, Sentencing Legislation Bill, Criminal Procedure Code Bill, Extradition Bill and Mutual legal Assistance Bill.</p> <p>The GON believes that upon the passage of these Bills and adequate capacity building, basic infrastructures will be in place to enable it to accede to the Rome Statute in due course of time.</p>
108.2	Enact a Juvenile Justice Law compliant with international standards, to consolidate the legal framework surrounding the protection of the rights of children and to ensure the proper functioning of a juvenile justice system in the country (Maldives)	The GON accepts this recommendation.
108.3	Prepare a specific plan to ensure that the Nepal Lands Act will in practice effectively promote equality (Finland)	The GON is in the process of reviewing and revising policy measures relating to land. It is the constitutional obligation of the State to ensure progressive political, economic and social transformations in the country, and to pursue a policy of implementing a scientific land reform program by doing away with the feudalistic land ownership. The GON is finalizing a land use policy. Amendment to the Lands Act is under consideration of the Legislature-Parliament.
108.4	Expedite the endorsement of long awaited child policy legislation, including the Child Rights Act, Education Regulation, Child Protection Policy, and minimum standards for child care homes, and take the necessary steps to ensure their full implementation (Canada)	The GON accepts this recommendation.

<i>Paragraph No.</i>	<i>Recommendations</i>	<i>Responses of Nepal</i>
108.5	Work with OHCHR to develop a common core document which, in conjunction with treaty-specific lists of issues, will help streamline treaty reporting, in order to help overcome the burden of treaty reporting (Maldives)	<p>The GON has been following established format in reporting.</p> <p>It takes note that the new reporting procedures based on the prior list of issues have been initiated by some of the treaty bodies. The GON is actively studying the implications of the new procedure and will make appropriate decision in this regard.</p>
108.6	Extend a standing invitation to all special procedures (Spain)	<p>The GON remains constructively engaged with all human rights mechanisms including special procedures mandate holders in pursuit of ensuring the enjoyment of human rights by all. It has already hosted the visits of various mandate holders. It is also establishing a mechanism at the Office of the Prime Minister and Council of Ministers to promptly respond to visit requests from the mandate holders.</p> <p>Currently, as Nepal remains deeply engaged in framing the new Constitution through the elected Constituent Assembly that is most inclusive and representative, the GON will extend invitation to the mandate holders at an appropriate time on the case-to-case basis. It believes that adequate national capacity and preparation are prerequisite to making such visits meaningful.</p>
108.7	Extend a standing invitation to UN special procedures (Chile)	
108.8	Strengthen its cooperation with human rights special procedures and consider issuing a standing invitation (Brazil)	
108.9	Extend a standing invitation to UN human rights special procedures so that they can visit the country and assist the government with its human rights reforms (Maldives)	
108.10	Take further steps to eliminate discrimination against vulnerable or marginalised groups, including on the basis of gender or caste, by enacting laws to criminalize all forms of discrimination (UK)	<p>The GON accepts these recommendations.</p> <p>Recently, the Legislature-Parliament has passed the Caste-based Discrimination and Untouchability (Offence and Punishment) Bill, 2010.</p>
108.11	Review and adopt relevant legislation and policies, including bills related to Caste-based discrimination, the Women's Commission, the Dalit Commission, the rights of Indigenous Peoples and the Rights of the Child, to ensure full compliance with international human rights standards (Norway)	<p>Several statutory mechanisms including the National Human Rights Commission, National Women's Commission, National Dalit Commission and National Foundation for Development of Indigenous Nationalities exist to address all possible violations of rights. The GON remains committed to the promotion of their rights in conformity to its international obligations.</p>

<i>Paragraph No.</i>	<i>Recommendations</i>	<i>Responses of Nepal</i>
108.12	That the cases of caste-based discriminations are reported, investigated, perpetrators prosecuted and victims of such violence are compensated (Czech Republic)	Discrimination in any forms, including caste-based one, has been outlawed, and cases of such discrimination have been reported, investigated, and perpetrators prosecuted in accordance with the laws. With the passage of the Caste-based Discrimination and Untouchability (Offence and Punishment) Bill by the Legislature Parliament on 24 May 2011, these concerns have effectively been addressed.  In this context, the GON accepts this recommendation.
108.13	Implement measures to ensure that persons with disabilities are enabled to participate in job training, vocational training, literacy and numeracy programmes and set concrete targets measurable within one year to this effect, in consultation with persons with disabilities and their representative organisations (New Zealand)	The GON is developing an action plan on the persons with disabilities to ensure their participation in vocational and job trainings. It is also considering establishing a mechanism for regular consultation with the representative organizations of persons with disabilities.
108.14	Ensure, without any discrimination, the rights of people with disabilities and others belonging to vulnerable groups, such as women and children (Chile)	The GON accepts this recommendation.  The Constitution and several other policy and legal measures have ensured the enjoyment of rights by all without any discrimination. Various measures of positive discrimination have been devised for vulnerable groups including persons with disabilities, women and children in the enjoyment of rights by these groups. Moreover, on 7 May 2010, Nepal joined the Convention on the Rights of Persons with Disabilities.
108.15	Introduce an independent complaints mechanism on the conduct of security forces and establish a Nepal Police Service Commission (Australia)	The GON believes that the existing complaints mechanism on the conduct of security forces is independent.
108.16	Establish a Police Service Commission responsible for appointments, promotions and transfers (Denmark)	It is examining the possibility of establishing a Nepal Police Service Commission.

<i>Paragraph No.</i>	<i>Recommendations</i>	<i>Responses of Nepal</i>
108.17	Take the necessary measures to ensure the protection of all people from enforced disappearance and following the request of the High Commissioner for Human Rights, establish a special inquiry team, enjoying enough independence, to investigate the allegations of extrajudicial executions (Moldova)	Acts of enforced disappearance and extra-judicial executions are strictly outlawed by the laws of Nepal. Constitutional provisions provide for direct access of any individual or group to the Supreme Court to have redress of violation of any fundamental rights guaranteed by it. In addition to regular court mechanism, there exist several other statutory mechanisms to address violation of rights. These include the National Human Rights Commission and National Women's Commission. They provide an effective constitutional and legal framework in Nepal to address individual cases of human rights violations, including those of enforced disappearance and extra-judicial killings. The GON is committed to bring to an end all extrajudicial activities by law enforcement agencies. It brings any official found responsible for such activities to justice. Law enforcement agencies are instructed to adhere to human rights values and norms in the discharge of their responsibilities. Human rights standards and international humanitarian law are also incorporated into the training courses of these agencies.
108.18	Investigate credible allegations of extra-judicial killings and introduce an independent complaint mechanism on the conduct of the security forces (Denmark)	<p>The Enforced Disappearance (Offence and Punishment) Bill, 2010, is under consideration of the Legislative Committee of the Parliament.</p> <p>The allegations of extrajudicial killings will comprehensively be addressed upon the passage of the Civil Code Bill, Penal Code Bill, Civil and Criminal Procedures Codes Bill, and Sentencing Bill which have already been tabled in the Legislature Parliament.</p>
108.19	Impartially investigate all allegations of extra-judicial killings and arbitrary executions, to prosecute those responsible, and accept the requests for a visit by the Special Rapporteur on extrajudicial, summary or arbitrary execution, and the Working Group on Enforced or Involuntary Disappearances (Italy)	Please see responses to paragraphs 108.6 and 108.17.

<i>Paragraph No.</i>	<i>Recommendations</i>	<i>Responses of Nepal</i>
108.20	Regarding human trafficking and violence against women and children, take further legislative steps, where necessary, and accelerate efforts for their effective implementation (Japan)	The GON believes that the Human Trafficking and Transportation (Control) Act, 2007, and its Regulation, constitute a comprehensive legal framework to protect those affected from trafficking, including women and children. The GON has, since 2001, implemented a national action plan against the sale of women and children for sexual and labour exploitation.
108.21	Develop a comprehensive legal framework to protect children from trafficking (Austria)	The GON accepts these recommendations.
108.22	Undertake investigations in cases where there are credible allegations of human rights violations, implement court orders and establish transitional justice mechanisms (Norway)	Allegations of human rights violations have been investigated in accordance with the laws of Nepal. Government remains committed to implement court orders. The Truth and Reconciliation Commission Bill, 2010 and Enforced Disappearance (Offence and Punishment) Bill, 2010, which provide for transitional justice mechanisms have been tabled before the Parliament.
108.23	Effectively investigate violations against human rights defenders, including journalists and women rights activists and bring to justice those responsible for such violations (Norway)	The GON is committed to the protection and promotion of human rights while maintaining peace and security in the country. Security agencies are active in ensuring security of all citizens including the rights defenders, journalists and women rights activists. The rights violators are prosecuted as per law. The GON is considering adopting a special program in order to ensure further protection of human rights defenders.
108.27	Take all necessary measures to put an end to acts of intimidation and violence committed against journalists and human rights defenders (France)	
108.28	Protect human rights defenders and journalists by promptly investigating complaints of harassment and holding perpetrators accountable (USA)	
108.24	Start the investigation of all outstanding allegations of human rights violations committed during or after the conflict and to bring perpetrators to justice in proceedings which meet international standards (Netherlands)	Please see responses to paragraphs 108.17 and 108.22.
108.25	Intensify the efforts in the investigation of pending allegations of serious human rights and international humanitarian law violations by all parties in the armed conflict (Spain)	
108.30	Investigate and prosecute those who committed human rights violations on both sides of the conflict (New Zealand)	

<i>Paragraph No.</i>	<i>Recommendations</i>	<i>Responses of Nepal</i>
108.26	Implement the decision of the Supreme Court of 2007 that requires the State to criminalize enforced disappearances and sign and ratify the CED (France)	<p>The GON respects the decisions of the Supreme Court. It has already tabled the Penal Code Bill in the Legislature Parliament, with provisions criminalizing acts including enforced disappearances. The Enforced Disappearance (Offence and Punishment) Bill, 2010 is also under consideration of the parliament.</p> <p>Nepal is a party to almost all core human rights treaties. The GON is regularly reviewing other human rights treaties for possible accession or ratification. It believes that putting in place adequate national infrastructures is prerequisite for complying with the principles and objectives and carrying out specific responsibilities including the reporting obligation that emanate from these treaties. Even without being a party to the CED, Nepal has consistently upheld its principles and objectives.</p>
108.29	Strengthen the rule of law by establishing an independent complaints commission capable of investigating and prosecuting complaints against the security forces and a police service commission responsible for police recruitment, transfers and promotion (United Kingdom)	Please see responses to paragraphs 108.16, 108.17 and 108.18.
108.31	Formulate effective strategies and programmes in order to provide employment and income generating opportunities for the population, in particular, the rural population, Dalits and ethnic minorities (Malaysia)	The GON accepts this recommendation.
108.32	Ensure that the new labor legislation would include provisions prohibiting discrimination both in the employment and the recruitment procedures, as laid down in the ILO Convention No. 111 (Poland)	<p>Nepal is a party to the ILO Convention No. 111. The policy, legal and institutional measures adopted by Nepal to implement this Convention prohibit discrimination both in employment and recruitment procedures. The Constitution and other relevant laws also prohibit such discrimination. The GON is committed to strengthen the measures to further effectively curb the issue of such discrimination.</p> <p>In this context, the GON accepts this recommendation.</p>

<i>Paragraph No.</i>	<i>Recommendations</i>	<i>Responses of Nepal</i>
108.33	Ensure that education is free and compulsory, with special focus on the enrolment of girls in schools (Turkey)	<p>The Constitution of Nepal safeguards the right to education as a fundamental right. Accordingly, every citizen is entitled to free education up to the secondary level (grade 9 to 12). The education policy in Nepal has accordingly been structured to achieve this fundamental right.</p> <p>Universalizing primary education is an explicit priority of the GON. Pursuant to the Education Act, 2001 (Seventh Amendment), the basic education has been made free to all school age children, irrespective of caste, gender and other form of diversities and differences prevailing in the society. Similarly, to enforce the fundamental right of each citizen to have free education up to the secondary level, the GON has implemented free secondary education for the targeted groups (Dalits, and endangered and highly marginalized groups) since FY 2009/10.</p> <p>The GON has also adopted various measures with special focus on the enrolment of girls in schools. These measures include: provision of scholarship to 100 per cent girls at the primary and lower secondary level (basic education) and to all school girl students in Karnali Zone, and allocation of quota for 40,000 girl students under annual 60,000 secondary education scholarships.</p>
108.34	Continue pursuing appropriate, efficient, inclusive educational policies to provide for free and compulsory education to all segments of its society, including marginalized, disadvantaged- and thus most vulnerable- groups (Slovakia)	The GON accepts these recommendations.
108.35	Pay special attention to helping Dalit children, girls, and children belonging to ethnic minorities to complete their education cycle, and to ensure their employment opportunities after education in order to enable them to claim their rights and work as agents of change for their communities (Finland)	



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<i>Paragraph No.</i>	<i>Recommendations</i>	<i>Responses of Nepal</i>
108.36	Ensure that children of internally displaced persons, refugees, asylum seekers and their families enjoy the right to health, education and birth registration without discrimination (Thailand)	As a state party to the Convention on the Rights of the Child and other relevant instruments, the GON is fully committed to adopt and strengthen measures, as appropriate, to ensure that any children in the territory of Nepal have the opportunity to enjoy their rights without any discrimination, in accordance with the constitutional provisions.

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