



General Assembly

Distr.: General
8 March 2011

Original: English

Human Rights Council
Seventeenth session
Agenda item 6
Universal Periodic Review

Report of the Working Group on the Universal Periodic Review*

Nepal

* The annex to the present report is circulated as received.

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Introduction

1. The Working Group on the Universal Periodic Review (UPR), established in accordance with Human Rights Council resolution 5/1 of 18 June 2007, held its tenth session from 24 January to 4 February 2011. The review of Nepal was held at the third meeting on 25 January 2011. The delegation of Nepal was headed by Sujata Koirala, Deputy Prime Minister and Minister for Foreign Affairs. At its seventh meeting held on 27 January 2011, the Working Group adopted the report on Nepal.
2. On 21 June 2010, the Human Rights Council selected the following group of rapporteurs (troika) to facilitate the review of Nepal: Republic of Moldova, Cuba, Qatar.
3. In accordance with paragraph 15 of the annex to resolution 5/1, the following documents were issued for the review of Nepal:
 - (a) A national report submitted/written presentation made in accordance with paragraph 15 (a) (A/HRC/WG.6/10/NPL/1 and A/HRC/WG.6/10/NPL/1/Corr.1);
 - (b) A compilation prepared by the Office of the High Commissioner for Human Rights (OHCHR) in accordance with paragraph 15 (b) (A/HRC/WG.6/10/NPL/2);
 - (c) A summary prepared by OHCHR in accordance with paragraph 15 (c) (A/HRC/WG.6/10/NPL/3).
4. A list of questions prepared in advance by Canada, the Czech Republic, Denmark, France, Germany, Ireland, Maldives, the Netherlands, Norway, Slovenia, Sweden, Switzerland and the United Kingdom of Great Britain and Northern Ireland was transmitted to Nepal through the troika. These questions are available on the extranet of the UPR.

I. Summary of the proceedings of the review process

A. Presentation by the State under review

5. In her introductory statement, the head of the delegation indicated that Nepal considers the UPR as an important process of discussing achievements, identifying constraints and challenges, and sharing best practices.
6. Nepali democratic history has been characterized by struggles and immense sacrifices by the people of Nepal. The peaceful People's Movement of 2006 was decisive in reinstating democratic values, norms and institutions, unequivocally expressing people's aspiration for peace, security and democracy.
7. The 2006 Comprehensive Peace Accord, which formally ended the armed conflict paved the way for the establishment of the universally accepted human rights, a multiparty competitive democratic system, rule of law, constitutional checks and balances and independent judiciary. The most defining feature was the election of the Constituent Assembly in 2008, which is fully reflective of Nepal's social diversity for the first time in its history. It performs the dual functions of writing a constitution and acting as legislature parliament.
8. It has been a long standing policy of Nepal to remain constructively engaged with the international community, since it joined the United Nations in 1955.
9. Nepal maintains an open and constructive dialogue with the Office of the High Commissioner for Human Rights, including its country office, the United Nations treaty bodies and the special-procedures mandate holders and other international human rights

institutions. At the invitation of the Government, various special procedures and mandate holders have visited Nepal.

10. Nepal is committed to strike a balance between peace and justice to the victims as provided in the Comprehensive Peace Accord and the Constitution. The Bills for the establishment of mechanisms for providing transitional justice have been submitted to the Parliament. Nepal is committed to end impunity.

11. The delegation noted that its independent judiciary stands as a core element of the institutional arrangement on human rights. The Supreme Court and entire branches of the judiciary have stood exemplary in promoting and protecting human rights through various judgments.

12. The National Human Rights Commission is a constitutional body with full autonomy. The National Foundation for the Development of Indigenous Nationalities, National Women's Commission and National Dalit Commission are also national human rights institutions established for the promotion and protection of the human rights of indigenous people, women and Dalit, respectively.

13. The delegation referred to several policies and action plans to provide non-discriminatory and decent work opportunities; as well as policies to forge participation, protection and promotion of women in conflict resolution and other activities. It also referred to policies to address the issue of trafficking in persons and to promote the rights of persons with disabilities.

14. Despite not being a party to the 1951 Convention of the Status of Refugees and 1967 Protocol, Nepal indicated that it has been providing shelter to over 100,000 Bhutanese refugees on humanitarian grounds. It expressed appreciation to the Core Group of countries that have generously offered third country resettlement programme for refugees.

15. The delegation indicated that one of the important achievements made in the peace process has been the release and reintegration of child soldiers, and thanked the international community including the United Nations for their goodwill and cooperation in this regard.

16. Nepal is committed to the protection and promotion of rights of the indigenous nationalities, Dalit and marginalized groups. Nepal referred to significant achievements in social development in recent years despite having emerged from over a decade-long armed conflict.

17. There has been tremendous awareness-raising of people across the country and people speak freely and without fear about their rights. A free and responsible media has remained engrained in democratic movements of Nepal.

18. At a time when Nepal is engaged in building national democratic institutions and developing institutional frameworks for human rights, the rule of law, and constitutionalism to address the remnants of the conflict period, the delegation looked forward to a candid and constructive interaction and contributions to Nepal's UPR.

B. Interactive dialogue and responses by the State under review

19. During the interactive dialogue, 55 delegations made statements. Additional statements which could not be delivered during the interactive dialogue owing to time constraints are posted on the extranet of the universal periodic review when available.¹

¹ Latvia, Bangladesh, Ireland, Mexico, Afghanistan, Islamic Republic of Iran.

Recommendations made during the dialogue are to be found in section II of the present report.

20. Myanmar congratulated Nepal on the success of its socio-economic and political transformation within the framework of the democratic constitution. It also welcomed policies giving considerable attention to the social inclusion of marginalized communities, including efforts to reduce poverty and inequality. Myanmar made recommendations.

21. Algeria acknowledged the serious consequences of the conflict and the important challenges faced in rebuilding the national infrastructures and improve the enjoyment of economic, social and cultural rights. Due to its limited resources, Nepal would require generous international support. Algeria made recommendations.

22. Egypt noted Nepal was a least-developed, landlocked, and post-conflict country. It commended Nepal's efforts in poverty alleviation, health, education, and housing. It recognized the role of women in conflict resolution and the implementation of Nepal's obligations under the Convention on the Elimination of All Forms of Discrimination against Women and the rights of the child. It made recommendations.

23. Bhutan noted that Nepal was going through a profound socio-economic transformation, including the challenge of ensuring peace and security and socio-economic development. Bhutan noted efforts taken to redress this situation and called upon the international community to render continued support and goodwill. Bhutan made recommendations.

24. China noted with appreciation the institutional reforms undertaken by the Government. It welcomed Nepal constructive participation in the work of various United Nations human rights mechanisms. It acknowledged the serious difficulties faced by Nepal after 10 years of conflict and encouraged the international community to continue providing constructive support. China made recommendations.

25. Japan commended Nepal's efforts towards democratization and national reconciliation. Japan is committed to continue providing assistance to Nepal. Japan raised concerns about overcoming discrimination, reported misconduct by law enforcement authorities, human trafficking and violence against women and children.

26. Morocco highlighted Nepal's human rights approach and the consequences of the armed conflict. It referred to the various national human rights institutions. It asked about efforts taken in the area of human rights education and training and about the Interim Triennial Plan for poverty eradication. It made recommendations.

27. Thailand welcomed the attempt of Nepal to promote the rights of all vulnerable and marginalized groups, including migrants, Dalits, women, children and persons with disabilities. It hoped that the newly established Special Committee for Supervision, Integration and Rehabilitation will effectively undertake the functions carried out earlier by the United Nations Mission in Nepal. Thailand made recommendations.

28. The Czech Republic appreciated that Nepal's priorities include combating caste-based discrimination. It noted that journalists face threats from armed groups, noting that women human rights defenders and those representing sexual minorities were particularly at risk. It made recommendations.

29. Brazil expressed appreciation for Nepal's consideration of a bill to criminalize torture. Brazil asked about the practical results of policies to combat trafficking and about the institution charged with investigating complaints and providing assistance to victims under the Domestic Violence Act. Brazil made recommendations.

30. Slovenia recognized the difficult democratic transition in Nepal. It asked whether it intended to use the United Nations draft principles and guidelines for the effective

elimination of discrimination on the basis of work and descent as a guiding framework in combating discrimination. Slovenia made recommendations.

31. Singapore noted Nepal is a landlocked, least-developed country with diverse ethnicities and cultures. It noted gender-mainstreaming, inclusion and equality as Nepal's priorities and welcomed the elimination of 65 discriminatory legal provisions in response to CEDAW. It highlighted efforts to address housing issues. It made recommendations.

32. Hungary noted with satisfaction Nepal's commitment to ensure the right to food of its citizens. Hungary was highly alarmed by the culture of impunity, with regard to serious human rights violations. It encouraged Nepal to provide better protection for children. Hungary made recommendations.

33. Finland asked about the measures taken by Nepal to ensure equal access to quality education to girls, Dalit children and children belonging to ethnic minorities and to ensure that elements promoting gender and social equality in the Nepal Lands Act and other legislation would be enforced in practice. Finland made recommendations.

34. Switzerland was concerned about impunity. It noted that the Special Rapporteur against torture highlighted systematic torture by the police and the Royal Army and that judicial guarantees were systematically ignored. It welcomed Nepal's revision of its legislation with a view to criminalizing torture. It made recommendations.

35. Turkey congratulated Nepal for its efforts at creating a democratic society based on the rule of law and respect for human rights. Turkey noted that continuation of the support and assistance of the international community, in particular the United Nations, was of utmost importance. Turkey made recommendations.

36. Spain encouraged Nepal to continue strengthening democracy. It commended Nepal for being among the first Asian States to abolish the death penalty and for the positive decisions taken by the Supreme Court in favour of LGBT people, including the right to marry for people of the same sex. Spain made recommendations.

37. Austria asked about steps taken to address discrimination and social exclusion related to gender, caste, class and ethnicity and how the Government intends to hold accountable public officials reported to practice torture. It asked about the return, rehabilitation and reintegration of internally displaced peoples. It made recommendations.

38. Cambodia welcomed Nepal's commitment to human rights through policy and legislative reform. Cambodia appreciated Nepal's openness with human rights mechanisms and its constructive cooperation with OHCHR and other international institutions. Cambodia made recommendations.

39. India commended Nepal for giving priority to human rights and poverty alleviation. It noted positively the country's efforts on gender mainstreaming and women's rights. India expressed its support for the consolidation of the peace process, including through capacity building. India made a recommendation.

40. Palestine welcomed Nepal's Action Plan for Human Rights and the integration of human rights programmes in its development plans. It highlighted the National Women's Commission and welcomed the inclusion of gender issues in development processes. It made a recommendation.

41. Bahrain appreciated Nepal's efforts to deliver free primary health care services and the notable decline in maternal mortality and asked about services rendered to persons with disabilities. Bahrain commended efforts to protect women's rights and asked about measures taken to promote the role of women in society.

42. The Russian Federation noted with appreciation Nepal efforts to realize socio-economic and political changes. It commended Nepal for its active interaction with United Nations human rights mechanisms and OHCHR. The Russian Federation recognized the serious challenges faced by Nepal as a least-developed country. The Russian Federation made recommendations.

43. In responding to questions, the delegation noted that it was encouraged by the interventions, and appreciated the recognition of achievements. Nepal indicated that it has adopted a range of policies, legal and institutional measures to ensure better protection of the rights of the people. The rights-based and holistic approach is running across these policies. Nepal has also significantly streamlined its activities to achieve the MDGs. Nepal highlighted achievements and challenges in the social sector, including in the areas of poverty alleviation and education.

44. In relation to questions about equality and non-discrimination, Nepal reported on strategies that have been in place to address these issues.

45. Nepal also referred to actions plans and targeted programmes to control trafficking, including trafficking of children.

46. It reported on preventive programmes and plans recently developed to address health issues of persons with disabilities.

47. Nepal has ratified several international instruments and undertaken voluntary commitments in the field of human rights. Ratification of the United Nations Convention against Corruption and the Convention against Transnational Organized Crimes and its two Protocols is currently under consideration by Parliament. It is currently also engaged in drafting enabling legislation which would be required in the Rome Statute of the Criminal Court. Groundwork is also being carried out with a view to joining other treaties, particularly the Convention on the Rights of Migrant Workers and Members of Their Families, and the Palermo Protocols.

48. Regarding treaty-related issues, Nepal indicated that it believes that becoming a party to international instruments is also an opportunity to make the required legal and institutional reforms. Ensuring effective implementation of an international treaty is as important as ratifying it. Nepal reiterated that it would further undertake international treaty commitments as and when so required, taking into account the available requisite infrastructures and enabling environment, as appropriate.

49. Regarding cooperation with United Nations mechanisms, Nepal indicated that periodic reports under the International Covenant on Economic, Social and Cultural Rights (ICESCR), the International Covenant on Civil and Political Rights (ICCPR), the Convention on the Rights of the Child (CRC), the Convention on the Elimination of All Forms of Racial Discrimination (CERD) and ILO Convention 169 are under consideration of the Cabinet. Nepal indicated that it has always remained responsive to the mandate holder's communications, despite various constraints. It has also welcomed visits of various mandate-holders, valuing and incorporating relevant recommendations in its policy, legal and institutional measures. Nepal remains open to visits of mandate-holders, but indicated that, as the international community is well aware, Nepal is currently heavily occupied with the daunting task of institutionalizing peace and framing a new constitution. Nepal would welcome visits of mandate-holders at an appropriate earliest time.

50. Nepal is engaged in drafting a democratic Constitution that is inclusive and that guarantees all human rights. The Constitutional Committee and other thematic committees have already submitted their report to the chairman of the Constitutional Assembly. Some of the remaining issues are of a highly sensitive nature but it is expected that national consensus will be instrumental.

51. Nepal indicated that it is fully committed to establishing Constitutional supremacy, ensuring the rule of law, good governance and human rights, as well as providing a positive conclusion to the peace process by eliminating insecurity and addressing impunity. Addressing impunity entails addressing the past and maintaining the rule of law at present. Nepal is fully committed to work on both fronts.

52. In order to address alleged past human rights violations, two bills have been tabled in the Parliament for the establishment of Truth and Reconciliation Commission and the Commission of Inquiry of the Disappeared.

53. Strong security and law enforcement measures are prerequisites to ending impunity. The Special Programme for Effectiveness of Peace and Security, the End to Impunity and Defending Human Rights, accompanied by a code of conduct that aims at protecting human rights and improving law and order situation has been implemented since 2009.

54. Regarding questions on the National Human Rights Commission, the delegation indicated that it is an autonomous institution by all standards, including financially. The selection of the administrative personnel is done through a competitive processes run by the Public Service Commission. The NHRC can appoint its Experts. The Chairman and Members of the Commission are appointed through the Constitutional Council. The Constitutional Council has balanced representation of the Executive, Legislative and Judiciary, including the Leader of the opposition in the Parliament. The representative of the Executive has one vote. Questions have been raised regarding the compliance with the Paris Principles on the basis of a draft law. The existing law is fully compliant with the Paris Principles. The delegation considers that it is premature to question the efficacy of the institution on the basis of a draft law that is still under consideration.

55. Regarding the advance questions on refugees and stateless persons, despite not being a party to the 1951 Convention relating to the Status of Refugees and its 1967 Protocol, Nepal has hosted over 100,000 refugees from Bhutan on humanitarian grounds. Nepal has honored the rights of the refugees and anyone living in Nepal has to respect the law of the land.

56. Regarding armed groups, the Government is in dialogue with various dissenting groups that are of a political nature. Agreements on peaceful settlements of disputes have been reached with 22 such groups. The Government has been guided by a clear distinction between political elements and criminal ones. To the latter, the Government responds through appropriate law enforcement measures.

57. The Republic of Moldova encouraged Nepal to continue working for the rule of law. It noted concerns about ill-treatment, sexual violence and lack of birth registration in refugee camps. It asked about measures taken to protect refugees, asylum-seekers and internally displaced people. It made recommendations.

58. The Philippines commended Nepal for placing human rights at the centre of its national development plans. The enhanced participation of women in the legislature was a notable achievement. The Philippines stated that the support of the international community was essential. It made recommendations.

59. Canada encouraged Nepal to pass the Caste-based Discrimination and Untouchability Crime Elimination and Punishment Act. It also encouraged Nepal to ensure effective investigation of all harassment complaints of journalists and to put an end to preventive detentions without charges or trials. Canada made recommendations.

60. The Republic of Korea welcomed Nepal's improvements in human rights and commended endeavours to change the situation of vulnerable groups. It welcomed efforts to compensate victims of human rights violations. It welcomed the National Human Rights Commission. It made recommendations.

61. Indonesia noted that domestic violence and human trafficking remained pressing issues and supported recommendations for the introduction of more comprehensive legislation and more stringent enforcement of existing laws in these areas. It hoped that Nepal's cooperation with international human rights mechanisms and bodies would intensify and flourish. Indonesia made a recommendation.

62. Azerbaijan commended Nepal for the establishment of peace and the steps taken to promote women's rights. It recognized the difficulties experienced by Nepal from the long armed conflict. Azerbaijan asked about progress on the preparation of a national policy for children and made recommendations.

63. The Lao People's Democratic Republic welcomed Nepal's achievements to attain political stability and economic development and the priority given to human rights. It highlighted the need for continued support from the international community. It made recommendations.

64. France expressed concern regarding infringements to freedom of expression, association and information in Nepal, particularly against journalists and human rights defenders. France noted with satisfaction the establishment of a National Human Rights Commission. France made recommendations.

65. Malaysia welcomed Nepal's Three-Year Interim Plan focussing on poverty alleviation and human rights. Malaysia was of the view that more could be done to improve and safeguard human rights, particularly of indigenous peoples, ethnic minorities and other marginalized and vulnerable sections of society. It made recommendations.

66. The United Kingdom of Great Britain and Northern Ireland applauded the Supreme Court's role in protecting human rights. It expressed concern over impunity. It asked about legislation on enforced disappearances; the establishment of the Truth and Reconciliation Commission and the Disappearances Commission; and bringing to justice perpetrators of human rights violations. It made recommendations.

67. Germany asked about Nepal's plans to improve the legislative framework and combat discriminatory practices; the enactment of the comprehensive law on violence against women; and the criminalization of torture and improving and enforcing the rule of law. It made recommendations.

68. Slovakia commended Nepal for its ratification of international human rights instruments, cooperation with OHCHR and "A"-status National Human Rights Commission. Slovakia highlighted the long-standing discrimination and social exclusion associated with gender, caste, class, ethnicity, disability and geography. Slovakia made recommendations.

69. Saudi Arabia referred to achievements in legislation and institution building. It noted that since 2005 Nepal has been hosting a country office of OHCHR and was working closely with special procedures. It noted the adoption of a plan to promote a culture of human rights. It made recommendations.

70. The United States of America referred to the continuation of commitments to protect vulnerable populations, including refraining from forcibly returning asylum-seekers, and ending violence against women. It expressed continued concern about the judicial system, accountability for human rights violations, tolerance of intimidation and labour exploitation. It made recommendations.

71. Poland welcomed the establishment of the various bodies engaged in the defense of human rights but pointed out the challenges faced in practice. Poland asked about the steps taken to further improve the situation of women, children, Dalits, ethnic and linguistic communities. Poland made recommendations.

72. The Maldives commended Nepal for the steps taken for improving the lives of the Nepalese people. It highlighted the fundamental freedoms in the interim Constitution. It highlighted the resource and capacity constraints of least-developed countries and noted Nepal's international partners should remain engaged. It made recommendations.

73. Pakistan noted the role played by an independent judiciary and an A-status National Human Rights Commission. Pakistan welcomed the priority accorded to poverty eradication and the process of abolishing discriminatory laws and practices. Pakistan noted the constraints and challenges facing Nepal and made recommendations.

74. Italy welcomed the abolition of death penalty and establishment of its National Plan of Action on Women Peace and Security. Italy expressed concerns regarding arbitrary executions committed during the conflict and obstacles to freedom of religion, mainly due to the caste system. Italy made recommendations.

75. Sri Lanka congratulated Nepal on its Interim Constitution. It noted progress achieved, including in poverty alleviation. Sri Lanka encouraged Nepal to pursue policies towards economic development and to adopt and implement, in the near future, the bill for compulsory basic education. It made a recommendation.

76. Chile noted Nepal's will to ensure human rights protection in spite of incidents after the adoption of post-conflict reforms. It noted Nepal is working on the creation of the Truth and Reconciliation Commission and investigation into disappearances, and a new Constitution. It made recommendations.

77. New Zealand raised the issue of impunity and expressed concerns regarding the small number of women in Nepal's judiciary. It recognized the reduction of incidents of torture but noted these continue to take place. New Zealand welcomed Nepal's ratification of the Convention on the Rights of Persons with Disabilities and its Optional Protocol. New Zealand made recommendations.

78. The Netherlands highlighted the ratification of a number of human rights treaties. It was concerned about impunity and the lack of progress in setting up a Truth and Reconciliation Commission and the Commission of Inquiry on Disappearances as well as the situation of refugees and trafficking. It made recommendations.

79. Yemen noted Nepal's achievements and asked whether any new challenges had emerged from its recent efforts to promote and protect human rights, and whether there was a need for further international cooperation with relevant human rights bodies and mechanisms. Yemen made a recommendation.

80. Denmark insisted on the importance of putting an end to impunity and bringing to account those on both sides of the conflict who perpetrated human rights abuses. It welcomed Nepal's ratification of the Convention against Torture (CAT) but noted widespread use of torture, especially in police custody. Denmark made recommendations.

81. Norway welcomed the steps taken towards a more inclusive Nepalese society, expressed its full commitment to further support Nepal's education sector, and indicated that the adoption of the new constitution within the planned timeframe would be a significant step. It made recommendations.

82. Cuba noted Nepal was affected by an unjust international economic order and crises. It noted there was a human rights component in Nepal's policies and development plans. It highlighted actions to reduce poverty and priority given to the rights of women, children, people with disabilities and aged persons. It made recommendations.

83. Sweden noted the instances of police brutality and torture and the arrests without formal procedures and detentions -- often under poor conditions -- without charges. It noted that discrimination based on gender, caste, class, ethnicity, disability and geography

continued to pose grave obstacles to the enjoyment of human rights. Sweden made recommendations.

84. Viet Nam appreciated Nepal's approach to the promotion and protection of human rights, as an assurance for peace, security and national reconciliation. Viet Nam commended Nepal on its significant achievements for poverty alleviation, free primary health-care services and basic education. It made recommendations.

85. Australia urged all parties to implement Peace Agreement commitments. It urged the establishment of a Commission of Inquiry on Disappearances and a Truth and Reconciliation Commission and investigation of allegations of human rights violations. It welcomed Nepal's commitment to end gender-based violence. It made recommendations.

86. Argentina welcomed the measures taken by the Government of Nepal to ensure the social inclusion of its people. Argentina made recommendations

87. The Plurinational State of Bolivia noted the inclusion of women, Dalits and indigenous peoples in the Legislative Assembly. It highlighted the strategy to fight poverty based on structural reform. It welcomed the establishment of the National Commissions for Human Rights, for Women, and for Dalits. It made recommendations.

88. The Holy See recognized the difficulties emanating from the decade-long armed conflict and welcomed Nepal's process of democratization. It encouraged Nepal to fully incorporate into the new Constitution and new laws the international treaties it ratified. The Holy See made recommendations.

89. Responding to additional questions and comments, the delegation reiterated that the Truth and Reconciliation Bill and the Disappearance Bill have been submitted to the Parliament. It clearly stated that these bills do not provide amnesty in serious violations of human rights and indicated that the government remains committed to have them cleared as expeditiously as possible.

90. The security agencies, including the Nepal Army, are fully committed to respect and support the protection of human rights and international humanitarian law. The isolated and unintended incidents of human rights and humanitarian law violations, if any, are not policy-driven. The institution strictly observes a zero-tolerance policy against all kinds of human rights violations. The Nepal Army is a disciplined and professional institution. It is supportive of democratic transformation.

91. Since 2005, Nepal has put in place a vetting mechanism. A rigorous vetting process is under implementation in both army and police forces while nominating their personnel for United Nations peacekeeping operations.

92. On the issue of Tibetan refugees, Nepal stated that it does not allow its territory to be used against neighbours or any country. Anyone found in violation of the immigration laws or other laws is dealt with according to the law of the land. There are no forceful deportations.

93. Nepal referred to two major remaining tasks of the peace process. On 22 January 2011, the command and control of the Maoist combatants passed to the constitutionally mandated Special Committee, which is responsible for the supervision, integration and rehabilitation of the former combatants. This is a major step towards the conclusion of the peace process. On the oversight mechanisms, the Government has adopted effective measures. Investigating bodies and institutions established by the Nepal Army and police have also contributed immensely to counter impunity. The investigations conducted by these bodies are complementary to those of national human rights institutions, including the NHRC and the Women commission. Importantly, the judicial oversight provision has been proved to be an effective instrument in the promotion and protection of human rights.

94. Nepal further reported on compensation and relief packages distributed to the conflict victims and family members affected.
95. The delegation further referred to several acts and regulations that protect children, and to child-friendly mechanisms, including at the village and district level.
96. The Constitution has several provisions against caste-based discrimination and untouchability. Nepal has a caste-based discrimination control and punishment bill and also the National Dalit Commission, to be converted as a statutory body. These two bills are in the Parliament.
97. Nepal is committed to the promotion of the rights of minorities, including gender minorities. It has pursued the policy of recognizing the identity of gender minorities and achieving effective implementation of relevant laws prohibiting discrimination on any ground. Any person, regardless of gender, is entitled to obtain citizenship along with an identity consistent with equal rights policy.
98. Regarding ILO Convention No. 169, Nepal noted that 218 of the 601 Members of the Constituent Assembly are indigenous people, a testimony of positive outcome of policies and programmes in these fields.
99. Equality has been ensured in health programmes and services. However, progress has been uneven. Disparities have decreased in some areas, but the geography of Nepal presents serious challenges to deliver health services to all.
100. In answering to other questions, the delegation noted that the Government will soon finalize the draft bills on civil and penal codes, sentencing act and civil and criminal procedure codes, which contain provisions which are directly related to the implementation of various human rights treaties.
101. Nepal does not tolerate any form of torture. There is no systematic torture in Nepal. There are sufficient constitutional and legal safeguards for the prevention of torture and a special bill designed to incorporate provisions of CAT is also under active consideration.
102. Nepal believes that the timely and effective implementation of recommendations by the national human rights institutions is an effective mechanism to ensure protection of human rights and is working towards establishing a follow-up mechanism.
103. In concluding, Nepal thanked the delegations for constructive support for the ongoing democratic transformation and the peace process.
104. Nepal indicated that it expects enhanced level of support for its efforts in the process of post conflict reconstruction and rehabilitation to firmly institutionalize peacebuilding efforts, create a network of national democratic institutions, and expedite the socio-economic transformation within the democratic framework to create an environment for the enjoyment of human rights by the people.
105. Nepal reiterated its commitment to democracy and human rights. It valued the goodwill and support of friends and looked forward to working together.

II. Conclusions and/or recommendations

- 106. The recommendations formulated during the interactive dialogue/listed below have been examined by Nepal and enjoy its support:**
- 106.1. Give its full support to ensure that the Constituent Assembly successfully fulfils its mandate of drafting a new Constitution by May 2011, giving due consideration to the views of the different groups that compose**

Nepalese society (Republic of Korea); ensure full participation of ethnic groups and castes in the Constitution-making process, in particular in the Constituent Assembly (Poland); Accelerate steps towards framing a new Constitution (Egypt); frame a new Constitution and undertake a democratic, inclusive and progressive State restructuring (China); complete the new Constitution on time and take into account that peaceful coexistence requires that the right to freedom of religion for all citizens be clearly included and formulated according to international standards (Holy See); ensure that the new Constitution fully guarantees the right to freedom of religion or belief and the right to equality and non-discrimination in line with international standards (Italy);

106.2. Ensure that the new Constitution being formulated and its national legislation is in line with international human rights instruments acceded to by Nepal (France); continue the process of bringing its national legislation in line with international standards (Azerbaijan); review its legal framework to provide for a better protection and promotion of women's rights (Slovakia);

106.3. In the framework of the reform of the penal code and the penal procedure code, conform to the totality of the provisions of the Convention against Torture (Switzerland); criminalize torture (Denmark); enact specific legislation in domestic law to criminalize the offence of torture which is fully compliant with the requirements of the Convention against Torture (United Kingdom); criminalize torture and enforced disappearances in line with international standards (Slovenia);

106.4. Introduce comprehensive legislation and more stringent enforcement of existing laws in the areas of domestic violence towards women and human trafficking (Indonesia);

106.5. Enact legislation to ensure members of the lesbian, gay bisexual, transgender and intersex (LGBTI) community citizenship rights, consistent with the equal rights enumerated in the Nepali Supreme Court's 2008 decision (United States of America);

106.6. Consolidate the national human rights infrastructure (Egypt);

106.7. Strengthen the National Human Rights Commission (NHRC) to enable it to maintain its A-status accreditation (India);

106.8. Continue promoting the work of the National Commissions for Women and for Dalit, through the reinforcement of resources that allows them to work in an efficient manner (Bolivia);

106.9. Strengthen the resources allocated to the implementation of the adopted National Action Plan for children for the period 2005-2015 (Algeria); Allocate sufficient resources for the effective implementation of the National Plan of Action for Children (Slovakia);

106.10. Continue to seek capacity building and technical assistance in order to pursue its plans for development and promotion of human rights (Philippines); implement effectively the Human Rights Action Plan and other national action plans, including on the elimination of discrimination against women and on the rights of persons with disabilities (China); fully implement its National Plan of Action for human rights and its plans of actions to implement various human rights conventions and treaties (Russian Federation);

106.11. Continue with its efforts to further accelerate its holistic and multifaceted approach to promoting and protecting human rights and freedoms (Sri Lanka);

106.12. Continue its work on strengthening human rights in all areas in terms of programmes and policies and ensure human rights education's inclusion in school programmes throughout the country (Saudi Arabia);

106.13. Design and implement programmes to ensure the respect for and protection of the rights of women and children, in particular the rehabilitation of women, children and families affected by conflict (Egypt);

106.14. Further enhance measures aimed at protecting the human rights of children, women and other vulnerable groups (Philippines);

106.15. Share experiences and good practices with other countries in areas of development and protection of human rights (Lao People's Democratic Republic);

106.16. Consolidate all positive realizations achieved during the period of political transformation, especially in the human rights field (Viet Nam);

106.17. Raise, through education, the level of awareness and knowledge about human rights of the population, with a focus on the most vulnerable social groups, to ensure their full enjoyment of all human rights, in particular economic and social rights (Viet Nam);

106.18. Give priority to a successful conclusion of the peace process with every effort made to centre it on human rights as a sure foundation for the future of the country (Holy See); see to enhance international cooperation to address the lack of human capacity and financial resources in the peace process and post-conflict reconstruction (Viet Nam); seek support of the international community in Nepal's efforts to firmly institutionalize peace building efforts (Pakistan); continue its national reconciliation efforts (Singapore); continue efforts in ending the political instability in the country (Bhutan); continue to strengthen the democratic experience that it has embarked upon (Yemen);

106.19. Make further efforts to implement the recommendations of various treaty bodies (Japan);

106.20. Continue to cooperate with the United Nations and other international organizations to strengthen human rights in Nepal (Lao People's Democratic Republic);

106.21. Make further efforts to overcome the difficult issue of discrimination on the grounds of religion, gender, race or otherwise (Japan); continue its efforts to end discrimination on the grounds of religion, race or gender in law and practice (Pakistan); continue its efforts to overcome discrimination and social exclusion on the basis of gender, caste, class, ethnic group, disability or geographic situation, in order to ensure the respect of civil, political, economic, social and cultural rights (Argentina);

106.22. Continue its efforts to ensure gender equality (Singapore); continue its efforts for the promotion and protection of human rights and to continue to promote the role of women in society in order to guarantee quality life for its citizens as planned on viability, development, protection and participation (Palestine);

106.23. Take steps to ensure non-discrimination based on sexual orientation and gender identity including in the proposed civil and criminal laws (New Zealand); implement fully the Supreme Court decision regarding sexual and gender minorities (Norway);

106.24. Eliminate all forms of discrimination and pass the bill on caste-based discrimination and untouchability (Denmark); continue realizing the necessary efforts to eradicate all forms of discrimination, through the implementation of commitments it undertook with CERD (Bolivia); while appreciating the fact that the Government's priorities include combating caste-based discrimination, ensure that the policy is fully implemented also by the local authorities in rural and remote areas (Czech Republic);

106.25. Promptly implement all recommendations put forward by the National Human Rights Commission regarding prosecutions and/or departmental actions against alleged human rights violators (Canada);

106.26. Take concrete steps to ensure the security of human rights defenders, including journalists (Czech Republic);

106.27. Ensure that all Maoist army personnel disqualified as minors have unhindered access to the rehabilitation packages and ensure that children are not exposed to or forced to participate in violent activities by political parties (Austria);

106.28. Adopt effective measures to guarantee the protection of victims of gender violence, duly investigate allegations and ensure that those responsible be prosecuted and sanctioned (Spain);

106.29. Continue putting forward intensive efforts in order to eliminate violence against women and boost their participation in political and administrative decision-making (Azerbaijan);

106.30. Strengthen its measures to eradicate child abuse, sexual exploitation of children (Azerbaijan);

106.31. Strengthen the implementation of its Human Trafficking and Transportation (Control) Act 2007 and its Regulation 2008 (Bhutan); further strengthen law enforcement and the judicial system in the efforts to address impunity, prevent domestic violence, and to protect women and children from trafficking as well as physical and sexual exploitation (Malaysia); combat human trafficking and forced prostitution in particular of children (Germany); fight trafficking in persons, prosecute perpetrators and provide protection and compensation to victims (Netherlands);

106.32. Strengthen implementation of its Child Labour (Protection and Regulation) Act 1999 (Bhutan);

106.33. Establish accountability for conflict-era human rights abuses through the formation of the Truth and Reconciliation Commission and Disappearance Commission, as agreed to in the Comprehensive Peace Agreement (United States of America);

106.34. Establish the Truth and Reconciliation Commission and the Commission of Inquiry on Disappearances as stipulated in the 2006 Comprehensive Peace Agreement (Australia); ensure that the Truth and Reconciliation Commission, as well as to the Commission on Disappearances be operational within the briefest delay and that there be no amnesty for grave violations of human rights (Switzerland); accelerate the process of establishing

a Truth and Reconciliation Commission (Republic of Korea); establish an independent Truth and Reconciliation Commission and take immediate action to account for the missing and ensure reparations to victims, including family members of the disappeared (Sweden); take necessary steps to set up the Truth and Reconciliation Commission and the Commission on the Inquiry on Disappearances since the failure to act on human rights abuses undermines respect for the rule of law (Czech Republic); establish without further delay the Truth and Reconciliation Commission and Disappearances Commission and ensure their independence from political interference (Denmark); set up a Truth and Reconciliation Commission and a Commission of Inquiry on Disappearances which are fully in accordance with international standards (Netherlands);

106.35. Ensure that the perpetrators of human rights violations, both past and present, are brought to justice in proceedings which meet international standards of fairness (Sweden);

106.36. Continue its efforts in order to clarify the crimes perpetrated during the armed conflict, in particular regarding enforced disappearances and extrajudicial killings and prosecute those responsible (Argentina);

106.37. Seek to remove the obstacles faced by victims trying to access justice (Republic of Korea);

106.38. Ensure that all decisions from the judiciary, regarding those presumed responsible for serious human rights violations during and after the conflict, are fully respected by all concerned institutional actors, particularly by the army and the police forces (France); tackle impunity by investigating and prosecuting human rights violations and abuses committed by State and non-State actors during and since the conflict, implementing court orders including on the Nepal Army, and ending political interference (United Kingdom);

106.39. Implement measures to encourage women to undertake legal training and facilitate their entry into the judiciary (New Zealand);

106.40. Protect its citizens from labour exploitation at home and abroad by providing improved regulation and oversight of workplace practices (United States of America);

106.41. Intensify efforts in providing basic services to vulnerable or marginalized groups or communities particularly providing quality health and education services and creating more employment opportunities (Myanmar);

106.42. Call on the international community to encourage the present stage of development in Nepal and provide the necessary assistance to strengthen Nepal's domestic capacity to address the challenges (Myanmar);

106.43. Step up its efforts to reduce poverty, particularly rural poverty (Algeria); Reinforce its efforts in the area of the fight against poverty with a view to attaining the Millennium Development Goals and to request the necessary financial and technical assistance in this regard (Morocco); continue implementing the necessary economic measures to eradicate poverty, allowing all the Nepalese population a life with dignity (Bolivia);

106.44. Continue its efforts to achieve equitable socio-economic development, address poverty alleviation through its overarching objective according to its current policies and Action Plans with the support by the international community in order to meet the targets of MDGs (Cambodia);

- 106.45. Continue pursuing socio-economic and political transformation process that will also imply the framing of a new constitution (Azerbaijan); continue applying the strategies and plans for socio-economic development of the country (Cuba); speed up its efforts to reduce poverty and unemployment in the country and seek broader international cooperation to deal with the threats posed by climate change (Azerbaijan); continue its efforts to combat poverty and ensure sustainable development (Russian Federation);
- 106.46. Step up efforts to achieve the effective realization of economic, social and cultural rights for the marginalized and vulnerable groups by ensuring that they are provided with adequate access to food, health, education and fair employment (Malaysia); redouble efforts to promote and protect the rights of vulnerable groups such as children, women, people with disabilities and aged persons (Cuba);
- 106.47. Continue its efforts, through the UNFCCC and other forums, to remind the international community, especially developed countries and other major emitting States, of their obligations to protect and promote human rights in Nepal by reducing greenhouse gas emissions to safe levels (Maldives);
- 106.48. Continue taking appropriate measures to narrow the gap between the rich and the poor. The international community must also rise to the occasion and help Nepal in its efforts (Pakistan);
- 106.49. Improve food safety of vulnerable groups, particularly indigenous people, former bonded labourers, Dalits, Muslims, persons with disabilities and those who are infected with HIV/AIDS (Hungary);
- 106.50. Expand its School Feeding Programmes and use locally sourced food (Brazil);
- 106.51. Continue pursuing and enhancing housing programmes, which appear to have yielded good results (Singapore);
- 106.52. Continue efforts to ensure that primary education becomes free and compulsory for all children (Norway); continue applying programmes and measures for the enjoyment of the right to education and the right to health (Cuba);
- 106.53. Ensure that all girls, Dalit children and children belonging to ethnic minorities have equal access to quality education (Finland);
- 106.54. Reach out to parents and parents' groups to promote equal access to education and participation in local institutions for their children, and to encourage parents to appreciate the value of education and benefits of participation (Finland);
- 106.55. Put in place a follow-up mechanism with a view to ensuring the return, registering, readaptation and reinsertion of internally displaced peoples, in all security and dignity (Republic of Moldova); establish a monitoring system to ensure the return, rehabilitation and reintegration of internally displaced persons (Austria);
- 106.56. Undertake a participatory process in the implementation of the UPR recommendations (Norway).
107. The following recommendations enjoy the support of Nepal which considers that they are already implemented or in the process of implementation:

- 107.1. Ratify the Optional Protocol to CRC on the involvement of children in armed conflict (Austria);
- 107.2. Undertake legal and administrative efforts to end torture and related impunity (Germany);
- 107.3. Review legislation, and amend it where necessary, to remove provisions which allow Government and military personnel to act with impunity (New Zealand);
- 107.4. Do all that is necessary to accelerate the drawing up of the various legal texts to reaffirm and reinforce the equality between all ethnic, cultural and linguistic components of Nepali society (Algeria);
- 107.5. Restore the independence and mandate of the NHRC in line with the Paris Principles (Canada); ensure that the NHRC functions in line with the Paris Principles (France); provide the NHRC with adequate funding and autonomy to ensure that the Commission can properly fulfil its mandate (Republic of Korea); take all necessary measures for the capacity building of the NHRC, the respect of its independence and autonomy as well as the implementation of its recommendations (France); strengthen the role of the NHRC as an independent institution and follow-up on its recommendations (Norway);
- 107.6. Provide the National Dalit Commission and the National Women's Commission with sufficient resources to effectively realize their mandate (Slovenia);
- 107.7. Design programmes for the implementation of its human rights action plan (Egypt);
- 107.8. Develop a National Action Plan on ending violence against women and children (Australia);
- 107.9. Cooperate closely with the United Nations, in particular with the local Office of the High Commissioner for Human Rights (France);
- 107.10. Take prompt and effective measures to safeguard the equal enjoyment of human rights by all, and to combat discrimination in all its forms (Sweden);
- 107.11. Take the necessary legal and policy measures to end discrimination, including of women, children and Dalits (Netherlands);
- 107.12. Criminalize discrimination based on caste, gender, religion, ethnicity, political belief or disabilities (Germany);
- 107.13. Initiate legislative measures to effectively address and eradicate long-standing discrimination, including "untouchability" (Austria);
- 107.14. Conduct thorough and impartial investigation into allegations that the police or any person of the justice system has taken part in discriminatory actions (Sweden);
- 107.15. Take necessary measures for the prevention of such deeds as reported warrantless arrests, torture, extrajudicial killings and other misconduct and ensure swift and fair investigations on alleged misconduct by law enforcement authorities (Japan); investigate all cases of ill treatment and abuse, such as enforced disappearances, cases of torture, arrests without warrants and extrajudicial killings by the police as well as the national army and ensure the delivery of justice regarding these serious human rights violations (Hungary);

107.16. Take effective measures to prevent possible acts of mistreatment (Turkey);

107.17. Conduct thorough and impartial investigation into allegations of torture and physical abuse, and to bring to justice anyone suspected of having participated in arbitrary arrests or having committed excessive use of force, torture and other human rights violations (Sweden); take effective measures to prevent acts of torture and ensure that allegations of torture are promptly and impartially investigated and prosecuted (Austria);

107.18. Ensure that any form of violence against children and child recruitment becomes punishable under domestic law (Hungary); intensify efforts for the effective and rapid social and educational reintegration of child soldiers who remain in military camps (Spain);

107.19. Establish State structures for the supervision, prevention, rescue and rehabilitation in the cases of child labour and mendacity and ensure that those responsible be prosecuted and sanctioned (Spain);

107.20. Abolish all forms of child labour, including bonded labor and take measures to ensure that no person under 18 years of age is allowed to perform hazardous work, in accordance with the ILO Convention No. 138 (Poland);

107.21. Create mechanisms to end the case backlog at all levels of the judicial system (United States of America);

107.22. Ensure that the cases of violence against women and girls are duly investigated (Thailand);

107.23. Take measures to guarantee effective access to justice and protection for women victims of gender based violence (Brazil);

107.24. Create a system of accountability to investigate and prosecute human rights violators in Nepal's military and law enforcement agencies (United States of America);

107.25. Ensure that the laws relating to the Truth and Reconciliation Commission, as well as to the Commission on Disappearances are in line with international standards (Switzerland);

107.26. Develop the necessary tools to ensure education and human rights training, notably for law enforcement officials (Morocco); provide mandatory human rights training for its police force (New Zealand);

107.27. Ensure that the right to freedom of assembly is guaranteed and remove all restrictions to peaceful protests (Canada);

107.28. Take more effective measures to increase the involvement of the indigenous peoples, minorities and vulnerable groups in the civil service, law enforcement agencies and local authorities (Malaysia).

108. The following recommendations will be examined by Nepal, which will provide responses in due time, but no later than the seventeenth session of the Human Rights Council in June 2011:

108.1. Ratify the Rome Statute (Germany);

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);

- 108.3. Prepare a specific plan to ensure that the Nepal Lands Act will in practice effectively promote equality (Finland);
- 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);
- 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);
- 108.6. Extend a standing invitation to all special procedures (Spain);
- 108.7. Extend a standing invitation to United Nations 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 United Nations 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 marginalized groups, including on the basis of gender or caste, by enacting laws to criminalize all forms of discrimination (UK);
- 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);
- 108.12. That cases of caste-based discriminations be reported, investigated, perpetrators prosecuted and victims of such violence are compensated (Czech Republic);
- 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 organizations (New Zealand);
- 108.14. Ensure, without any discrimination, the rights of people with disabilities and others belonging to vulnerable groups, such as women and children (Chile);
- 108.15. Introduce an independent complaints mechanism on the conduct of security forces and establish a Nepal Police Service Commission (Australia);
- 108.16. Establish a Police Service Commission responsible for appointments, promotions and transfers (Denmark);
- 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 (Republic of Moldova);

108.18. Investigate credible allegations of extrajudicial killings and introduce an independent complaint mechanism on the conduct of the security forces (Denmark);

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);

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);

108.21. Develop a comprehensive legal framework to protect children from trafficking (Austria);

108.22. Undertake investigations in cases where there are credible allegations of human rights violations, implement court orders and establish transitional justice mechanisms (Norway);

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);

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);

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);

108.26. Implement the decision of the Supreme Court of 2007 that requires the State to criminalize enforced disappearances and sign and ratify the CED (France);

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 (United States of America);

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);

108.30. Investigate and prosecute those who committed human rights violations on both sides of the conflict (New Zealand);

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);

108.32. Ensure that the new labour legislation includes provisions prohibiting discrimination both in the employment and the recruitment procedures, as set out in ILO Convention No. 111 (Poland);

108.33. Ensure that education is free and compulsory, with special focus on the enrolment of girls in schools (Turkey);

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);

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);

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).

109. The recommendations below did not enjoy the support of Nepal:

109.1. Ratify the Optional Protocol to the Convention against Torture (OP-CAT) (Switzerland); Accede to and implement OP-CAT (New Zealand);

109.2. Ratify the pending principle international human rights treaties, such as the Rome Statute, the International Convention for the Protection of All Persons from Enforced Disappearance (CED) and OP-CAT (Chile);

109.3. Become a party to OP-CAT (Maldives) and designate a national preventive mechanism, to safeguard the rights of detainees and to prevent any acts of torture (Maldives);

109.4. Sign and ratify the Optional Protocol of the Covenant on Economic, Social and Cultural Rights and the OP-CAT as well as the CED (Spain);

109.5. Consider the possibility of signing and ratifying CED (Argentina); ratify and implement the CED (Sweden);

109.6. Sign and ratify the Palermo Protocol (Austria);

109.7. Accede to the Convention relating to the Status of Refugees, as well as its Protocol and take all necessary measures so the fundamental rights of refugees residing in the country are protected (Switzerland); consider the possibility of acceding to the 1951 Convention relating to the Status of Refugees and its 1967 Protocol, in the spirit of the tradition in Nepal of hosting refugees (Algeria); reinforce its legal framework by adhering to the 1951 Convention relating to the Status of Refugees and its 1967 Protocol (Moldova); ratify the 1951 Convention relating to the Status of Refugees (Slovenia); Consider acceding to the Convention relating to the Status of Refugees (Netherlands); adopt national legislation pertaining to refugees that includes the rights of refugees and asylum seekers (Netherlands).

109.8. Protect vulnerable refugee populations by allowing for registration of the refugee population in Nepal and by refraining from forcibly returning Tibetan asylum-seekers to China (United States of America).

109.9. Promote other durable solutions than resettlement in third countries for the refugees in eastern Nepal in close cooperation with UNHCR and other relevant international organizations (Netherlands);

109.10. Become a party to some conventions to which it has yet to accede, including the Convention relating to the Status of Refugees, CED and the Rome Statute (Japan);

109.11. Amend legislation to remove all provisions granting security forces or Government officials immunity from prosecution for criminal acts (Canada);

109.12. Address cases of statelessness in the new Constitution's drafting process (Slovakia);

109.13. Take effective measures promptly to uphold the total prohibition against torture, in accordance with its international obligations under the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT) and to sign OP-CAT (Sweden);

109.14. Implement the recommendations contained in the 2010 OHCHR report on "Investigating allegations of extra-judicial killings in the Terai", inter alia: (a) fully investigate all allegations of the use of extra-judicial killings in the context of the current Special Security Plan, as well as past and future security operations; (b) establish external oversight mechanisms, such as an independent police complaints commission or special investigative unit to investigate and prosecute crimes allegedly committed by State actors; (c) adopt measures to support and protect witnesses as well as victims and their family members (Czech Republic);

109.15. Ensure that all acts of torture are offences under its criminal law and considering acceding to OP-CAT (Brazil).

110. With regard to the recommendations in paragraphs 109.2 and 109. 10 above, Nepal indicated that it might consider acceding to the Rome Statute.

111. With regard to the recommendation in paragraphs 109.3 above, Nepal indicated that a preventive mechanism already existed.

112. With regard to the recommendation in paragraphs 109.8 above, Nepal indicated that there was no policy of forcibly returning the refugees.

113. With regard to the recommendation in paragraphs 109.9 above, Nepal indicated that it did not have a policy of local integration as a durable solution.

114. With regard to the recommendation in paragraphs 109.11 above, Nepal indicated that existing laws did not have such provision of immunity.

115. With regard to the recommendation in paragraphs 109.14 above, Nepal indicated that it objected to that report in its totality.

116. All conclusions and/or recommendations contained in the present report reflect the position of the submitting State(s) and/or the State under review. They should not be construed as being endorsed by the Working Group as a whole.

III. Voluntary pledges and commitments

117. Nepal expresses its commitments to continue its holistic and comprehensive approach to the promotion and protection of human rights and to put in practice a rights-based approach to development of all sectors. Nepal remains committed to engage the civil society and stakeholders in the promotion and protection of human rights.

Annex

Composition of the delegation

The delegation of Nepal was headed by H.E. Ms. Sujata Koirala, Deputy Prime Minister and Minister for Foreign Affairs and composed of the following members:

- Dr. Trilochan Upreti, Secretary, Office of the Prime Minister and Council of Ministers;
 - Dr. Sudha Sharma, Secretary, Ministry of Health and Population;
 - H. E. Dr. Dinesh Bhattarai, Ambassador/Permanent Representative of Nepal to the United Nations, Geneva;
 - Mr. Durga Prasad Bhattarai, Joint Secretary, Ministry of Foreign Affairs;
 - Mr. Kedar Paudel, Joint Secretary, Ministry of Law and Justice;
 - Mr. Shiva Bahadur Rayamajhi, Joint Secretary, Ministry of Local Development;
 - Mr. Khaga Raj Baral, Joint Secretary, Ministry of Education;
 - Mr. Sadhu Ram Sapkota, Joint Secretary, Ministry of Peace and Reconstruction;
 - Mr. Dilli Raj Ghimire, Joint Secretary, Office of the Prime Minister and Council of Ministers;
 - Mr. Bhriгу Dhungana, Counsellor/Deputy Permanent Representative, Permanent Mission of Nepal to the UN, Geneva;
 - Mr. Hari Prasad Odari, Second Secretary, Permanent Mission of Nepal to the UN, Geneva;
 - Mr. Jhaindra Prasad Guragain, Section Officer, Office of the Prime Minister and Council of Ministers.
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