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Universal periodic review

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

### Nepal

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\* The annex to the present report is being circulated in the language of submission only.



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## Introduction

1. The Working Group on the Universal Periodic Review, established in accordance with Human Rights Council resolution 5/1, held its twenty-third session from 2 to 13 November 2015. The review of Nepal was held at the 6th meeting on 4 November 2015. The delegation of Nepal was headed by the Prime Minister and Minister for Foreign Affairs, Kamal Thapa. At its 10th meeting, held on 6 November 2015, the Working Group adopted the report on Nepal.

2. On 13 January 2015, the Human Rights Council selected the following group of rapporteurs (troika) to facilitate the review of Nepal: Latvia, Morocco and Qatar.

3. In accordance with paragraph 15 of the annex to Human Rights Council resolution 5/1 and paragraph 5 of the annex to Council resolution 16/21, 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.6/23/NPL/1);

(b) A compilation prepared by the Office of the United Nations High Commissioner for Human Rights (OHCHR) in accordance with paragraph 15 (b) (A/HRC/WG.6/23/NPL/2);

(c) A summary prepared by OHCHR in accordance with paragraph 15 (c) (A/HRC/WG.6/23/NPL/3).

4. A list of questions prepared in advance by Belgium, the Czech Republic, Germany, Kenya, Liechtenstein, Mexico, Norway, Slovenia, Spain, 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 Working Group.<sup>1</sup> Additional questions raised during the dialogue by Montenegro, Paraguay, Uganda, United Arab Emirates, Belgium and Hungary are summarized in section I.B below.

## I. Summary of the proceedings of the review process

### A. Presentation by the State under review

5. The head of the delegation indicated that Nepal was proud of the recent promulgation of its new Constitution, which marked the conclusion of the peace process initiated in 2006 and the start of a new journey towards peace, stability and prosperity.

6. Nepal was pleased to have the opportunity of its second review to present its efforts to fulfil its international obligations and commitments on human rights and update on the status of the implementation of recommendations, achievements, challenges and constraints. Nepal looked forward to a productive interactive dialogue.

7. The new Constitution had been promulgated on 20 September 2015, thanks to the democratic exercises conducted in an inclusive, transparent and participatory manner, giving due consideration to the country's great diversity.

8. Nepal had institutionalized the federal democratic system of governance, paving the way for political stability, sustainable peace and economic prosperity. In the new

<sup>1</sup> <http://www.ohchr.org/EN/HRBodies/UPR/Pages/NPSession23.aspx>.

Constitution, substantive equality was guaranteed and human dignity, identity and opportunity for all promoted, as all forms of discrimination and inequalities were ended and multi-ethnic, multilingual, multicultural and diverse geographical specificities were embraced.

9. Nepal was aiming to create an egalitarian society on the basis of the principles of proportional inclusion and participation. The following had been guaranteed in the Constitution: a proportional electoral system, inclusive representation of marginalized and disadvantaged communities in all State organs, positive discrimination and special provisions with regard to rights of women, Dalits, Madheshis, indigenous peoples, Tharus, Muslims, persons with disabilities and minorities.

10. Through the Constitution, Nepal had ambitiously broadened the scope of fundamental rights by ensuring a wide range of economic, social and cultural rights and a framework for the progressive realization of socioeconomic rights.

11. The new Constitution had been significant in helping to eliminate gender-based discrimination and empower women through enhanced representation.

12. Nepal had established and further strengthened various commissions by making them independent constitutional bodies, including the National Women's Commission, the National Dalit Commission, the National Inclusion Commission, the Indigenous People and Nationalities Commission, the Madheshi Commission, the Tharu Commission and the National Muslim Commission.

13. The Government was committed to building on the new Constitution to continue to promote and protect human rights with the necessary legal, institutional and administrative mechanisms.

14. The operationalization of the Truth and Reconciliation Commission and the Commission on Investigation of Disappeared Persons also reflects the country's commitment to addressing the serious violations of human rights committed during the period of conflict, ending impunity and providing justice to victims, as well as promoting sustainable peace, harmony and reconciliation in society.

15. The free media, an active civil society and the ever-growing awareness of the general public about their rights continued to strengthen the human rights environment in the country.

16. The National Human Rights Commission assumed a central role in the protection and promotion of human rights, having responsibility for independent investigation into all human rights violations and overall monitoring of the human rights situation.

17. In the past four years, after the first review, the country had been able to make significant progress. The rights-based approach had become an important consideration in every aspect of national life. By formulating an action plan on the implementation of recommendations received during 2011 review, Nepal was setting the stage for more effective outcomes for important human rights issues.

18. The major accomplishments, the conclusion of the peace process and the historic political transition in particular, had been nationally driven. Nepal was confident of its ability to resolve any issue of conflict through its own efforts and by peaceful means. It was with that conviction that the new Government was engaged in dialogue with the Madhesh-based political parties to win their confidence and resolve the differences within the constitutional framework. The Constitution of Nepal was a living and dynamic document that could be amended in accordance with the needs and aspirations of the people.

19. Nepal was currently in a very delicate situation resulting from the obstruction of essential supplies at the border points, which had adversely affected the lives and livelihood

of the entire population, as well as education, health, trade, industries, tourism and the national economy. If that trend was not checked, the country was likely to experience a severe humanitarian crisis. Continuous obstructions of supplies at border points had severely impeded the exercise of rights and freedoms to which Nepal was entitled to under international law as a landlocked country. The challenges and pressures besetting the nation and people at present were immensely painful.

20. The fundamental goal of the recently elected Government was to effectively implement the new Constitution, and the Government had started to formulate legislative and policy tools for its smooth operationalization. Nepal was also keen to give further momentum to its economic development agenda, despite the huge devastation and setback caused by the recent earthquakes.

21. Despite consistent efforts, Nepal continued to face challenges in meeting some of the desired targets and fulfilling obligations. A paucity of resources, its landlocked situation, the low level of economic development, rampant poverty, certain parts of the population being deprived of basic needs and amenities and a low level of education, among others, had adversely affected the implementation of action plans on human rights. As the political transition had come to an end with the promulgation of the new Constitution, the country was in a position to take further steps for the realization of all human rights by all with adequate support from the international community.

22. Nepal stressed the importance of strict adherence to the principles of universality, objectivity and non-selectivity by all human rights mechanisms under the United Nations. As democracy, development, peace, security and human rights were interdependent, they called for a holistic approach to addressing human rights issues. The efforts of the international community must, therefore, be geared towards creating an environment for the enjoyment of all human rights.

23. For a country like Nepal, the enjoyment of the right to development would have a significant impact on the promotion of other rights. In that context, that Nepal attached importance to an effective and balanced implementation of the 2030 Agenda for Sustainable Development.

24. Nepal reiterated its commitment to the promotion and protection of human rights and looked forward to a constructive engagement in the interactive dialogue.

## **B. Interactive dialogue and responses by the State under review**

25. During the interactive dialogue, 73 delegations made statements. Recommendations made during the dialogue can be found in section II of the present report. All written statements of the delegations, to be checked against delivery on the United Nations Webcast archives,<sup>2</sup> are posted on the extranet of the Human Rights Council when available.

26. Maldives appreciated the efforts of Nepal in restoring public services following the earthquake in April 2015. It welcomed the adoption of the new Constitution and the approval of plans on health care.

27. Mauritius took note of the progress made in poverty eradication, human rights education, food safety and health. It encouraged Nepal to pursue efforts for the advancement of women.

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<sup>2</sup> See <http://webtv.un.org/meetings-events/human-rights-council/universal-periodic-review/23rd-upr/watch/nepal-review-23rd-session-of-universal-periodic-review/4597063809001>.

28. Mexico welcomed the new Constitution and appreciated progress made, such as the start of the implementation of the national action plan and strategy for gender empowerment and the elimination of gender-based violence.
29. Montenegro commended efforts to strengthen the national framework for human rights protection. It asked for more information on the comprehensive plan of action to address recommendations.
30. Morocco commended the creation of the Truth and Reconciliation Commission and the Commission on Investigation of Disappeared Persons and the importance given to workers' rights and the reduction of poverty.
31. Myanmar noted the commitment of Nepal to the implementation of periodic national human rights action plans in collaboration with the national human rights institutions and civil society.
32. Namibia was pleased to note the progress in making the new Constitution and commended Nepal on the recent national shelter/housing plan of 2014.
33. While taking note of the Caste-based Discrimination and Untouchability Act, Denmark noted that discrimination based on gender, caste, ethnicity and religion was widespread. The implementation of the Act on the Commission on Investigation of Disappeared Persons, Truth and Reconciliation, remained slow.
34. New Zealand commended the establishment of committees to increase protection for human rights, but remained concerned about aspects of women's rights in Nepal.
35. Nicaragua recognized achievements relating to social and economic rights, such as improvements in the field of employment, but regretted that these had been undermined by the recent devastating earthquake.
36. Norway noted progress in access to education but that the enrolment of children with disabilities remained low. Dropout rates remained high. Discrimination against and trafficking and sexual harassment of women had increased.
37. Pakistan noted with appreciation the new Constitution and measures to ensure the right to education, health, housing and land. It encouraged Nepal to guarantee the rights of indigenous peoples, minorities and vulnerable groups.
38. Panama commended Nepal for the preparation of the second national report in consultation with the national human rights institutions, civil society and the media.
39. Paraguay commended Nepal for the adoption of the new Constitution. It recognized the specific challenges in the protection of human rights in natural disasters. It asked for more information on how humanitarian assistance was provided.
40. The Philippines noted the new Constitution guaranteeing human rights and freedoms. It recognized the need for enhanced international support for economic development and reconstruction of damaged infrastructure in Nepal.
41. Portugal noted a human rights plan of action for 2014-2018, as well as several policies and programmes on gender equality.
42. Qatar noted challenges facing the country after the earthquake. It also noted the new Constitution and a plan of action for persons with disabilities.
43. The Republic of Korea commended the establishment of the Truth and Reconciliation Commissions and the Commission of Investigation of Disappeared Persons, and the enactment of the new Constitution.

44. The Russian Federation noted the new Constitution and efforts to eliminate racial discrimination.
45. Sierra Leone welcomed the establishment of transitional justice mechanisms to address past human rights violations and the plans to implement free and compulsory education. It expressed concern about trafficking in children and their sexual exploitation.
46. Singapore acknowledged increases in the number of qualified and trained teachers in basic education and literacy rates. It noted the efforts to promote and protect the right to health, including the National Health Policy 2014.
47. Slovakia expressed concern about reports of increasing violence against women in the aftermath of the April earthquakes, and harassment of and reprisals against journalists and human rights defenders.
48. Slovenia welcomed the adoption of the new Constitution and the national plan on the elimination of child labour. It expressed continuing concern regarding the high number of children under the minimum age working and about gender-based violence, including domestic and sexual violence.
49. South Africa recognized the progress made with the new Constitution, expressing hope that it would ensure all fundamental rights and freedoms were realized.
50. Spain welcomed the promulgation of the new Constitution, which, in addition to other related aspects with human rights, defined the State as a multireligious State.
51. Sri Lanka welcomed the promulgation of the new Constitution, the priority given to incorporating a human rights perspective in humanitarian assistance and the policy initiatives for the realization of the right to education.
52. Sweden expressed concern about discrimination against the Hindu minority population and the inadequate representation of the Madhesi and Tharu minorities in the new Constitution, as well as about systematic torture in prisons and the safety of female prisoners.
53. Switzerland expressed concern about excessive use of force by security forces during demonstrations and the incompatibility of the Truth and Reconciliation Commission and the Commission on Investigation of Disappeared Persons with the international obligations of Nepal.
54. The head of the delegation of Nepal thanked delegations expressing sympathy for the vast loss of life and damage to property in Nepal caused by the recent earthquakes in the country. He noted that the Government was fully committed to addressing the challenges through timely recovery and reconstruction works. Nepal wished to thank countries, international organizations and the international community at large for their generous support.
55. Nepal thanked Member States that had expressed their support and encouragement for the promulgation of the Constitution, which incorporated democratic values and human rights norms. Nepal agreed that some provisions were highly ambitious. In accordance with the Constitution, Nepal had begun the process of adopting the legislation necessary for its implementation.
56. The Secretary at the Office of the Prime Minister and Council of Ministers, Kamalshali Ghimire, said that transitional justice mechanisms had been established to ensure justice and reconciliation in the society. Nepal believed that the mechanisms would fulfil the necessary tasks by considering the nature of the conflict, the verdict of the Supreme Court, practices in other jurisdictions and international human rights standards.

57. The Joint Secretary at the Ministry of Law, Justice and Parliamentary Affairs, Dilli Raj Ghimire, responded to some questions regarding ratification of treaties, standing invitations, the right to education and refugees and asylum seekers. He appreciated recommendations received, including to ratify the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. He noted that Nepal had become a party to 162 multilateral treaties and a signatory to 26, including 24 human rights-related treaties. The State's policies on the political and governance system, reflected in the Constitution, entailed maintaining the rule of law by protecting human rights and implementing treaties to which Nepal was a party. It was as important to effectively implement treaties as it was to join them. Nepal was in the process of developing the policy, legal and institutional infrastructure necessary to implement the above-mentioned treaties in its territory. As part of the action plan on the universal periodic review and the human rights action plan, the Government had submitted some important bills to the legislature for enactment. Nepal was also in the process of establishing the requisite framework to ratify other treaties, as appropriate and in due course.

58. Nepal appreciated recommendations made to extend a standing invitation to special procedure mandate holders. Nepal indicated that it had already received visits by various special procedure mandate holders. It recognized the contribution that they could make to developing human rights norms and the protection of rights on the ground. With the promulgation of the Constitution, Nepal was engaged in the formulation of laws and institutional framework. In that context, Nepal would consider the requests for visits already made by mandate holders.

59. In article 24 of the Constitution, untouchability in both public and private places and discrimination in workplaces on the basis of untouchability were prohibited. The right of Dalits to participate in all State bodies on the basis of the principle of proportional inclusion was a fundamental right. It was the obligation of the State to make special provision for their empowerment, participation and representation in public places and to support them in the areas of employment, health, social security, housing and provision of land to landless Dalits within three years. Dalits had the fundamental right to free education up to higher education level through scholarships. Moreover, the Caste-based Discrimination and Untouchability Act was being implemented. Cases of discrimination against Dalits had been prosecuted under that law. In that regard, the Government was focusing on capacity-building of law enforcement officials, awareness-raising, ensuring Dalits' access to justice and avoiding delay in the investigation of any cases. An integrated action plan was also being prepared to curb de facto discrimination.

60. In relation to the right to education, in particular the issue of dropouts, Nepal mentioned that the right to access compulsory and free basic education and free education up to secondary level had been guaranteed by the fundamental law. Persons with disabilities also had the right to free basic education in script and sign language. The Government had submitted a bill to the legislature to amend the existing Education Act to implement the provisions mentioned. Progress had been made in terms of the net enrolment rate, the literacy rate, the number of trained teachers and investment in the education sector. Nepal had also adopted a number of specific measures to tackle dropouts. Measures to combat child marriage had been adopted, and the country was also focusing on multilingual education.

61. In relation to the issue of refugees and asylum seekers, Nepal was not a party to the Convention relating to the Status of Refugees and was not in a position to accept refugees because of internal capacity constraints. Despite those constraints, it had accepted a great number of refugees in the past. Nepal did not have an issue with asylum seekers per se, however there were a number of persons from various countries who had violated visa regulations by overstaying or were entering Nepal with fake passports or visas. Nepal had



allowed them to return back to their home countries or third countries with the good offices of the Office of the United Nations High Commissioner for Refugees (UNHCR). Nepal had waived visa fees and fines and pardoned sentences several times on humanitarian grounds. Nepal had maintained a clear policy of not accepting refugees from any country.

62. The Joint Secretary of the Office of the Prime Minister and Council of Ministers, Ramesh Dhakal, noted that the new Constitution was more amenable to gender issues and progressive. It followed the principle of equality and non-discrimination with regard to the provision of citizenship for Nepalese persons. Under the Constitution, women were empowered to transfer their citizenship to their children and the Federal Parliament was mandated to enact federal laws to provide detailed provisions on the acquisition of citizenship. With regard to children born abroad to Nepalese women and foreign fathers, children were entitled to citizenship if they had permanent residence in Nepal and had not acquired the citizenship of another country. Likewise, in cases where the father and mother had acquired the citizenship of Nepal, children could acquire citizenship by descent.

63. With regard to the strengthening of the national human rights institutions, the Government was fully committed to working together with those institutions to provide them with adequate funding and autonomy to fulfil their mandate. In accordance with the new Constitution, the Government was committed to revising existing laws and submitting all the necessary bills for the commissions that had been upgraded to constitutional bodies.

64. The delegation noted that torture in any circumstances and for any purpose was absolutely prohibited by law. The Government had adopted a zero-tolerance policy against torture and ill-treatment in any form. Instances of torture in police custody had been dropping significantly, as shown by research conducted by the Office of the Attorney General. The Government's aim was to prevent every single case of torture. Nepal was giving high priority to: the enactment of a comprehensive bill to criminalize all forms of torture; reforming the criminal justice system to introduce internationally accepted principles and best practices; capacity enhancement of the law enforcement authorities by providing extensive training and sufficient technology and resources to make the investigation and prosecution of torture more evidence-based; and strengthening national preventive mechanisms.

65. With regard to the excessive use of force, the Nepalese laws, particularly the Local Administration Act and other regulations, were in line with the Basic Principles on the Use of Force and Firearms by Law Enforcement Officials. The Government had strictly pursued a policy of using force only in accordance with international principles.

66. The Government was implementing a national housing policy based on the concept of housing for all, providing support to low-income and marginalized groups.

67. The Joint Secretary of the Ministry of Women, Children and Social Welfare, Radhika Aryal, responded to comments made on gender equality, women's empowerment, child protection, disaggregated data on people living with disabilities and rights of marginalized persons, including lesbian, gay, bisexual, transgender and intersex persons. The Constitution had embodied the notion of substantive equality and non-discrimination as a fundamental right of citizens. In accordance with its policy of inclusiveness, the Government had introduced affirmative actions to ensure women's participation at all levels of State mechanisms. Women's equal right to property and all economic resources had also been established in the Constitution. There were sustained efforts to introduce, review and amend existing laws to strengthen gender equality for all.

68. Regarding gender-based violence, a definition of physical, economic and psychological violence was specifically set forth in the recently amended Domestic Violence Act. The Government has established various funds to provide services to victims and survivors of gender-based violence and human trafficking, including for immediate

rescue, medical care, legal aid, psychosocial support, rehabilitation and reintegration. Similarly, the 35-day statute of limitation to initiate criminal proceedings for rape had been extended to 90 days through an amendment to the General Code. In cases of child victims of rape, the statute of limitation commenced after he or she had reached the age of 16 years.

69. Regarding child protection, the draft bill on children had various provisions for ending all forms of violence against children, including child labour, child marriage, corporal punishment and child trafficking, abuse and exploitation. After the earthquake, the Government had taken an important policy decision to curb human trafficking and gender-based violence. Coordination mechanisms and various checkpoints had been established.

70. Thailand highlighted the need to prioritize the most disadvantaged and marginalized groups in policies and strategies on access to resources, while noting the progress made in poverty alleviation and housing programmes. Concern was expressed about caste-based violence and discrimination against women.

71. Timor-Leste took note of policies on gender equality, including a national strategy and action plan on gender empowerment and on gender-based violence.

72. Uganda noted that the urgency of addressing the transitional needs of the country to ensure a quick recovery. It enquired about plans to address gaps in the implementation of the action plan to follow up on recommendations made during the review process.

73. Ukraine commended the adoption of the new Constitution and reconstruction efforts. It noted the difficult situation facing the country after the earthquake and remaining human rights challenges.

74. The United Arab Emirates noted measures to promote the rights of women and children and the right to education. It requested Nepal to provide more information on the implementation of the reform of the educational system.

75. The United Kingdom of Great Britain and Northern Ireland noted the new Constitution and welcomed some progress on transnational justice. It expressed concern about amnesty provisions, discrimination against women and the absence of legislation to criminalize torture.

76. The United States of America commended Nepal for establishing transitional justice mechanisms and finalizing a Constitution enshrining the principle of non-discrimination. It was concerned, however, about discriminatory access to earthquake relief, religious and gender discrimination, and the lack of registration of Tibetan refugees.

77. Uruguay commended Nepal for the promulgation of a new Constitution. It valued progress made in the reduction of poverty and encouraged Nepal to continue efforts to promote and protect human rights.

78. The Bolivarian Republic of Venezuela valued efforts made by Nepal to implement recommendations from the universal periodic review, including in the areas of health, housing and food for the most vulnerable.

79. Afghanistan valued the commitment of Nepal to establishing national human rights institutions and noted improvements made since the first review, including the establishment of a transitional justice mechanism.

80. Algeria noted progress made as regarded the new Constitution and encouraged Nepal to protect migrant workers from the risk of exploitation.

81. Argentina welcomed the establishment of the Truth and Reconciliation Commission and the Commission on Investigation of Disappeared Persons and referred to its own international campaign for the adoption of the International Convention for the Protection of All Persons from Enforced Disappearance.

82. Australia welcomed progress in finalizing the new Constitution and acknowledged the difficulty of the process of reconciling the demands of a large number of ethnic groups and interests.
83. Bangladesh appreciated the continuation of the democratic transition process in line with its recommendation made during the first review. It acknowledged the challenges faced by Nepal and noted that poverty remained a serious impediment to the enjoyment of human rights.
84. Belgium welcomed the adoption of the new Constitution and asked if Nepal envisaged acceding to the Rome Statute of the International Criminal Court.
85. Bhutan lauded Nepal for its efforts to bringing gender equality to politics and work life, as was evident from the increased representation of women in the Parliament and the election of the first woman President and Speaker.
86. Botswana was concerned about reports of physical attacks and death threats against human rights defenders. It noted with appreciation the establishment of transitional justice mechanisms and the new Constitution.
87. Brazil noted measures to promote an inclusive society and encouraged the adoption of policies to eliminate all forms of discrimination. It expressed concern about discrimination against women and lesbian, gay, bisexual and transgender persons and about child labour and early marriages.
88. Canada welcomed the new Constitution, and efforts to ensure equality of lesbian, gay, bisexual and transgender persons and to reform the legislation. It encouraged Nepal to ensure that its reconstruction efforts met the needs of vulnerable groups.
89. Chile valued the progress made in the promotion and protection of human rights in complex circumstances resulting from the recent earthquake. It commended Nepal for the promulgation of the new Constitution, which sought to protect the cultural and ethnic diversity of the country.
90. China noted the increase in the number of women in Parliament and efforts to ensure social security and equality and reduce poverty. It called on the international community to assist Nepal in achieving its human rights obligations.
91. Colombia praised the commitment of Nepal to implement recommendations from their first review. It recognized, in particular, efforts to combat forced child labour.
92. Costa Rica commended Nepal for implementing recommendations from the first review, in particular those to strengthen the institutional framework.
93. Cuba recognized positive changes in the legal and institutional framework following the first review process. Cuba urged the international community to continue supporting Nepal to implement its development and human rights policies.
94. Cyprus welcomed efforts to promote the rights of women, including the adoption of a national strategy and action plan on gender empowerment and on gender-based violence.
95. The Czech Republic welcomed the delegation of Nepal and made recommendations.
96. The Netherlands appreciated the establishment of transitional justice mechanisms and the new Constitution. It considered that the implementation of the country's policies and plans would go a long way in addressing the impact of climate change on human rights.
97. Djibouti welcomed the new Constitution, which guaranteed fundamental rights and freedoms, particularly equality of all.

98. Egypt welcomed transitional justice mechanisms, the enhanced political representation of women, and addressing migrant workers' exploitation risks and social protection measures for the poorest and most disadvantaged. It noted the progress made in reducing maternal and child mortality and poverty eradication.

99. Estonia welcomed the new Constitution. It expressed concern, however, about harassment of and reprisals against journalists and human rights defenders, and violence against women, including sexual violence and abuse.

100. Finland welcomed the new Constitution's provisions on compulsory and free primary education, women's equal inheritance rights and the rehabilitation of bonded labourers. While appreciating a steady increase in enrolment and literacy rates, it expressed concern about the disparity in the quality of education among schools and groups of children.

101. France welcomed the new Constitution and the nomination of the national human rights commission.

102. Germany welcomed the new Constitution and the efforts by all non-governmental and civil society organizations in the country's peacebuilding process as encouraging for its path to reconciliation.

103. Ghana welcomed significant improvement in the security system, the establishment of transitional justice mechanisms and improvement in the functioning of the criminal justice system.

104. Haiti welcomed Nepal to its second universal periodic review.

105. Hungary noted that the level of implementation of human rights treaties remained weak and asked for more information about the plans regarding the modification of the country's citizenship laws.

106. India noted that the people of Nepal were facing a challenge during the ongoing political transition. It noted concerns raised over continuing incidents of violence, extrajudicial killings and ethnic discrimination.

107. Indonesia noted the efforts of Nepal in the areas of domestic violence, trafficking and the protection of migrant workers.

108. Ireland encouraged Nepal to continue addressing the impact of the armed conflict. It was concerned about violence against human rights defenders and journalists and the lack of enjoyment of the right to adequate food.

109. Israel noted the development of national human rights action plans, including on gender empowerment and on persons with disabilities, the improved representation of women in Parliament and progress on inclusive education.

110. Japan commended Nepal for the promulgation of the new Constitution and on the legal measures introduced, and national and district committees established to address human trafficking of women and children.

111. The Lao People's Democratic Republic noted the strong commitment of Nepal to the promotion and protection of human rights in the country, and noted that it had made progress in combating human trafficking.

112. Latvia noted the adoption of the new Constitution and legislative measures for gender mainstreaming. It was concerned about discrimination against women and harmful traditional practices, such as child marriage.

113. Malaysia commended Nepal for progress made in strengthening legislative frameworks on human rights and for adopting and implementing the national strategy and action plan on gender empowerment and elimination of gender-based violence.

114. Nepal noted that the National Human Rights Commission was a constitutional body with A status and that the Government was fully committed to strengthening its capacity.

115. Nepal appreciated concerns about educational reforms, poverty reduction measures, child labour, early marriages and caste-based discrimination. It indicated, however, that while not denying these problems, it had a strong legal and institutional framework and strong enforcement authorities to deal with such issues.

116. Nepal agreed with recommendations about developing a mechanism to collaborate with civil society, regional and global organizations to protect the rights of migrant workers.

117. Nepal reassured the Council that it guaranteed freedom of religion, as stipulated in the new Constitution. During the past decade, however, Nepal had seen challenges to its traditional values, cultural heritage and national identity owing to forced conversion, which was not permitted by law.

118. While stating that the new Constitution of Nepal was democratic, inclusive and broad-based, Nepal also stressed the need to respect each country's sovereign right to make its Constitution on its own.

119. Nepal thanked delegations that had expressed concern about the hardship that Nepalese people were facing at present. The Government was fully committed to resolving recent demands in the Madhesh region within the framework of the Constitution.

120. To conclude, Nepal thanked all delegations for their constructive and valuable comments and observations. The interactive dialogue provided Nepal with inputs for further development of legislation, policies, strategies and programmes, in accordance with international norms and standards.

## II. Conclusions and/or recommendations\*\*

121. **The recommendations formulated during the interactive dialogue/listed below have been examined by Nepal and enjoy the support of Nepal:**

121.1 **Continue to ensure the implementation of ratified human rights treaties (Pakistan);**

121.2 **Advance in the comprehensive implementation of the new Constitution, consistent with the protection of human rights (Colombia);**

121.3 **Introduce legislation providing appropriate criminal penalties for acts of torture; establish independent procedures to ensure that all allegations of torture are investigated promptly, thoroughly, impartially and independently; that any officials responsible for torture are held accountable; and that any victims of torture have the right to remedy and reparations (Germany);**

121.4 **Explicitly prohibit torture and enforced disappearances as criminal offences under Nepali law (Norway);**

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\*\* The conclusions and recommendations have not been edited.

- 121.5 Intensify efforts to adopt a revised Children's Act that complies with international standards, including provisions on prohibition of all forms of violence against children, and to ensure sufficient budgetary resources to its implementation (Slovakia);
- 121.6 Amend the existing Child Labour Act to include child labour in the informal sector within the purview of the law (Slovakia);
- 121.7 Adopt a bill criminalizing harmful cultural practices, and abolish child, early and enforced marriage (Sierra Leone);
- 121.8 Finalise the revision of child act in order to set up coordination mechanism related to cases of child victims trafficking (Timor-Leste);
- 121.9 Strengthen the legislative and institutional framework for the promotion and protection of rights of indigenous peoples, in particular to ensure their full participation in society (Mexico);
- 121.10 Continue efforts to improve national mechanisms for the promotion and protection of human rights (Myanmar);
- 121.11 Amend its National Human Rights Commission Act in order to guarantee the independence and financial autonomy of this Commission (Portugal);
- 121.12 Enact relevant legislation to provide for necessary autonomy and independence of the National Human Rights Commission in accordance with the decision of the Supreme Court of Nepal (Uganda);
- 121.13 Ensure the effective functioning of the National Human Rights Commission of Nepal, including a representative approach to appointments (Australia);
- 121.14 Submit its overdue reports on the International Convention on the Elimination of All Forms of Racial Discrimination and the Convention on the Elimination of All Forms of Discrimination against Women (Portugal);
- 121.15 Further promote cooperation with the Human Rights Council special procedures, including facilitating the visits of the mandates holders to the country (Ukraine);
- 121.16 Take the necessary steps to ensure that the new constitution is implemented while protecting human rights and thus ensuring its provisions on gender equality, lesbian, gay, bisexual and transgender persons, and minorities (Sweden);
- 121.17 Strengthen its efforts to effectively implement existing laws and policies to eliminate all forms of discrimination (Thailand);
- 121.18 Make increased efforts to truly bring an end to discrimination (Japan);
- 121.19 Increase efforts to protect women from violence and discrimination, in particular in areas affected by the earthquakes (Norway);
- 121.20 Step up efforts to eliminate gender inequity and implement the national strategy on ending child marriages (Botswana);
- 121.21 Guarantee the necessary personal and material resources to protect victims of gender-based violence, especially in emergency situations and as it pertains to the effectiveness of protection orders (Spain);

- 121.22 **Put emphasis on suicide prevention and support to these people and their families, taking into account the despair generated by such act (Haiti);**
- 121.23 **Make further efforts to ensure safety in prisons for both men and women (Sweden);**
- 121.24 **Maintain its resolve to eliminate harmful practices against women and children (Egypt);**
- 121.25 **Make increased efforts to introduce and effectively carry out new measures to deal with human trafficking of women and children (Japan);**
- 121.26 **Promptly investigate all allegations of torture, arbitrary detention, extra-judicial and summary executions and punish perpetrators (New Zealand);**
- 121.27 **Investigate allegations of extrajudicial killings and deaths in custody as well as of trafficking in human organs (Sierra Leone);**
- 121.28 **Take steps to ensure that the Truth and Reconciliation Commission and the Commission on Disappearances function in accordance with international standards, and bring the perpetrators of serious human rights violations to justice (Canada);**
- 121.29 **Strictly uphold and respect the international law prohibiting refoulement (Germany);**
- 121.30 **Further strengthen the capacity in implementing the environmental strategies and plan to combat natural disasters (Myanmar);**
- 121.31 **Ensure that its climate change-related policies are informed by its human rights commitments and obligations (Philippines);<sup>3</sup>**
- 121.32 **Continue its efforts in adopting development policies which meet the needs of the people and improve the standard of living of the citizens in order to protect and promote human rights (Yemen).**
122. **The following recommendations enjoy the support of Nepal, which considers that they are already implemented or in the process of implementation:**
- 122.1 **Consolidate the constitution building and democratization process by accommodating all sections of Nepal to enable broad-based ownership and participation (India);**
- 122.2 **Take necessary measures to ensure the guarantee in the Nepal's Constitution of full equality between men and women with respect to the nationality of their children and in accordance with article 9 (2) of the Convention on the Elimination of All Forms of Discrimination against Women, which Nepal has ratified (Canada);**
- 122.3 **Ensure equality between men and women in its new Constitution as well as the right of all to be free from discrimination (Nicaragua);**
- 122.4 **Implement the decision of the Supreme Court of 26 February 2015 [with regard to the incompatibility of the Truth and Reconciliation Commission**

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<sup>3</sup> The recommendation as read during the interactive dialogue: Ensure that its climate action is informed by its human rights commitments and obligations (Philippines).

and the Commission on Disappearances with Nepal's international obligations], as soon as possible (Switzerland);

122.5 Bring the 2014 Act on the Commission on Investigation of Enforced Disappeared Persons, Truth and Reconciliation into compliance with international norms, particularly with regard to the definition of amnesty, witness protection and the delays in processing complaints (Belgium);

122.6 Amend the Domestic Violence Act, in particular to clarify the definition of sexual harm and broaden the definition of domestic violence to also include threats of violence, as well as include all types of physical harm (Norway);

122.7 Amend legislation on domestic violence to encompass all forms of sexual violence, including between partners and outside marriage, in addition to threats (Spain);

122.8 Develop a national action plan to end gender-based violence and to bring rape laws in line with international standards (Australia);

122.9 Bring the laws on rape into compliance with international norms, particularly with regard to the legal definition of rape and the timeframe to file complaints (Belgium);

122.10 Effectively enforce its legislation on domestic violence and expedite the adoption of the Bill on Gender Equality and Violence against Women (Slovenia);

122.11 Enact the draft law on sexual harassment in the workplace (Algeria);

122.12 Consider adopting a national legislation on combating sexual harassment (Egypt);

122.13 Bring rape laws in line with international standards and remove the 35-day limitation on lodging a complaint of rape with the police (Republic of Korea);

122.14 Remove, or at least extend, the 35-day statute of limitations of reporting rape cases (United Kingdom of Great Britain and Northern Ireland);

122.15 Ensure the effective functioning of the National Human Rights Commission in accordance with the Paris Principles, in particular by providing the Commission with required and adequate levels of funding as well as sufficient autonomy (Republic of Korea);

122.16 Ensure the independence and financial autonomy of the National Human Rights Commission (India);

122.17 Strengthen its National Commissions, namely the National Women Commission, in order to implement the adopted policies (Portugal);

122.18 Continue making progress in the protection of women rights, consolidating existing institutional mechanisms (Bolivarian Republic of Venezuela);

122.19 Establish a special mechanism responsible for independent child rights monitoring (Estonia);

122.20 Continue its implementation of the national plan of action on the provision of education for all, including for economically disadvantaged social groups (United Arab Emirates);



- 122.21 **Implement fully the Fourth 5-Year National Human Rights Action Plan for 2014-2019, to collective ownership of human rights (Cuba);**
- 122.22 **Enhance measures on protecting the rights of children, women and other vulnerable groups (Lao People's Democratic Republic);**
- 122.23 **Increase awareness-raising campaigns on women's rights and the negative effects of gender-based violence (Slovenia);**
- 122.24 **Implement human rights education programmes for law enforcement officials (Paraguay);**
- 122.25 **Train the public force on human rights principles, in particular on prevention of torture and ill treatment (Djibouti);**
- 122.26 **Mobilise the efforts of the international community to provide effective assistance to Nepal in accordance with national priorities (Qatar);**
- 122.27 **Study the possibility of creating a national system for the follow-up of international recommendations (Paraguay);**
- 122.28 **Consider establishing a permanent inter-ministerial committee responsible for the implementation of its international human rights obligations, inter alia, for coordinating the drafting of the national reports to the treaty bodies (Portugal);**
- 122.29 **Partner with States and organizations which have experience working with children affected by armed conflict to develop programmes designed to their need for rehabilitation and integration (Namibia);**
- 122.30 **Seek enhanced international support for economic development and reconstruction of infrastructure destroyed due to the conflict and the devastating earthquakes (Bhutan);**
- 122.31 **Continue cooperation with the United Nations system (Ghana);**
- 122.32 **Continue efforts to sanction discrimination and violence against women and ensure that there are adequate mechanisms for the provision of assistance and protection to women victims of crime (Mexico);**
- 122.33 **Develop public policies for the effective implementation of the Law on discrimination based on caste and untouchability (Paraguay);**
- 122.34 **Promote gender equality including through an awareness-raising programme to combat negative stereotyping against women (Malaysia);**
- 122.35 **Ensures full and effective implementation of the 2011 Caste-based Discrimination and Untouchability Act (Denmark);**
- 122.36 **Put in place a concrete strategy for the comprehensive implementation of the 2011 Law on Discrimination Based on Caste and Untouchability (Switzerland);**
- 122.37 **Put in place an effective mechanism for addressing the reported multiple forms of discrimination against indigenous women in Nepal (Uganda);**
- 122.38 **Ensure an inclusive dialogue with all Nepalese minority groups (Ukraine);**
- 122.39 **Assess the implementation and effectiveness of laws aimed at ending and preventing all forms of discrimination, in particular against women and**

**Dalits, and take concrete steps to translate anti-discrimination efforts into effective practice on the ground (Czech Republic);**

122.40 **Work actively to abolish legal and factual discrimination based on ethnicity, gender and caste, inter alia, by developing effective and independent mechanisms for the implementation of the Caste-based Discrimination and Untouchability Act (Germany);**

122.41 **Take all necessary measures to ensure effective implementation of the Caste-based Discrimination and Untouchability Act of 2011 and to eliminate all forms of discrimination against women (Namibia);**

122.42 **Establish specific mechanisms for the investigation and punishment of possible cases of discrimination against lesbian, gay, bisexual, transgender and intersex persons, particularly with regard to issues in relation to the administration (Spain);**

122.43 **Strengthen the protection of lesbian, gay, bisexual, transgender and intersex people and work towards the full implementation of the current laws (Israel);**

122.44 **Guarantee respect of the principles of proportionality and necessity in all cases of use of force in conformity with the Basic Principles on the Use of Force and Firearms by Law Enforcement Officials (Switzerland);**

122.45 **Combat violence against women and guarantee equality of rights (France);**

122.46 **Ensure that the police provide a safe and confidential environment for women and girls to report incidents of violence, including sexual violence and incidents of trafficking, and that all complaints are recorded and effectively investigated (Netherlands);**

122.47 **Strengthen measures to combat violence against children, particularly with regard to the prevention of early and forced child marriages and child trafficking and in particular through awareness-raising campaigns among families (Belgium);**

122.48 **Take measures to enforce legislation prohibiting child labour and to facilitate access to education for all children, particularly the poor and disadvantaged (Brazil);**

122.49 **Enforce legislation prohibiting child labour, facilitate access to education for poor and disadvantaged children and reinforce labour inspections (Slovenia);**

122.50 **Reinforce and protect the rights of children, in particular by eliminating child labour and facilitating access of poor children to education (Djibouti);**

122.51 **Give specific attention to the implementation of the plan aimed at eliminating worst form of child labour by 2016 and all forms of child labour by 2020, including prohibiting child labour in the informal sector (Russian Federation);**

122.52 **Ensure the independence and impartiality of the judicial system, in particular through efforts to guarantee that the Judicial Council operates without interference from the Executive Branch of government (Canada);**

- 122.53 Take measures to guarantee that all outstanding allegations of crimes are investigated and to ensure that perpetrators of human rights violations are brought to justice in proceedings which meet with international standards (Netherlands);
- 122.54 End the impunity of law enforcement authorities (France);
- 122.55 Investigate all acts of discrimination against the Dalit community (Argentina);
- 122.56 Develop a redress mechanism to address all forms of discrimination and human rights violations in post-earthquake reconstruction efforts (Australia);
- 122.57 Ensure that law enforcement thoroughly investigates all claims of domestic violence, and that perpetrators are prosecuted (Canada);
- 122.58 Facilitate complaints from victims of gender-based violence and their access to justice, prosecute and punish the perpetrators and protect the victims (Slovenia);
- 122.59 Adopt effective measures for the protection of and assistance to victims of gender-based violence and ensure that all cases of gender-based violence are duly investigated and perpetrators prosecuted (Czech Republic);
- 122.60 Investigate all case of threat and attacks against human rights defenders (Botswana);
- 122.61 Investigate and prosecute those who committed human rights violations on both sides of the country's civil war and provide reparations to victims in line with international, standards under the newly-formed Truth and Reconciliation Commission (New Zealand);
- 122.62 Make necessary efforts to investigate crimes under international law or human rights violations that have occurred, protecting victims of such violations and guaranteeing them access to justice and full and effective reparations (Uruguay);
- 122.63 Implement the Supreme Court rulings of 2013 and 2015 on the Truth, Reconciliation and Disappearance Act so that investigation into human rights violations committed during the civil war, compensation for victims and reconciliation efforts are undertaken in accordance with international standards on transitional justice (Czech Republic);
- 122.64 Ensure the effective functioning of the Truth and Reconciliation Commission and full implementation of its recommendations, including prosecution of those responsible for violent insurgency (India);
- 122.65 Adopt measures to ensure the participation of women in the peace process, including the truth commissions (Costa Rica);
- 122.66 Implement special detention and internment centres for boys and girls, with a view to avoiding their future criminalization and to promote the reintegration into society (Chile);
- 122.67 Amend the citizenship laws to allow citizenship through either parent (Hungary);
- 122.68 Ensure that provisions in the revised Constitution guarantee the equal rights of women as well as their right to acquire, retain and transfer citizenship (Sierra Leone);

- 122.69 Amend legislation on nationality in order to be able to grant Nepali nationality through either parent (Spain);
- 122.70 Implement measures to ensure that the rights to acquire, transfer and retain citizenship are extended equally to all women and their children (New Zealand);
- 122.71 Provide protection to the family as the natural and fundamental unit of the society (Egypt);
- 122.72 Ensure the right to freedom of expression online/offline in law and in practice, including by decriminalizing defamation, and to investigate all cases of threats and attacks against journalists and human rights defenders (Estonia);
- 122.73 Create and maintain, in law and practice, a safe and enabling environment in which journalists, media workers, human rights defenders and civil society can operate free from hindrance and insecurity, in accordance with Human Rights Council resolutions 22/6, 27/5 and 27/31 (Ireland);
- 122.74 Ensure that freedom of assemblies are guaranteed and lift all restrictions on peaceful protests (Cyprus);
- 122.75 Redouble efforts towards providing more opportunities for women's active involvement in the economic and political spheres (Mauritius);
- 122.76 Continue to advocate for the principle of equality between men and women in the decision making (Timor-Leste);
- 122.77 Speed up the process to promote more participation of women in public offices (Israel);
- 122.78 Ensure equal opportunities for women in the labour market (South Africa);
- 122.79 Continue to build on the successful programs for the creation of jobs and assistance to those most vulnerable, in the fight against poverty and social inequalities (Bolivarian Republic of Venezuela);
- 122.80 Ensure implementation of legislation on the minimum wage in all sectors (South Africa);
- 122.81 Ensure equal remuneration for men and women workers for the same work or similar work and for the prevention of discrimination on grounds of sex (South Africa);
- 122.82 Ensure the freed bonded laborers' access to fertile land and their equal enjoyment of human rights, including the right to work and right to property, in line with the observations made by the Committee on Economic, Social and Cultural Rights (Finland);
- 122.83 Continue its fight against poverty with the support and cooperation of the international community (Bangladesh);
- 122.84 Continue to reduce poverty as a priority in the national development plan and improve the living standards of vulnerable groups (China);
- 122.85 Apply in its periodic development plans a policy on poverty reduction aimed at social and economic justice (Cuba);

- 122.86 **Ensure effective implementation of its poverty alleviation policy as well as consider adopting a comprehensive national strategy to ensure food and nutrition security for its people (Malaysia);**
- 122.87 **Persevere in its efforts to combat poverty and facilitate access to water for rural populations (Morocco);**
- 122.88 **Adopt a comprehensive national strategy to ensure food and nutrition security for all in line with international standards (Ireland);**
- 122.89 **Pursue its efforts with a view to facilitating access to housing for marginalized and low-income groups (Morocco);**
- 122.90 **Continue to implement policy measures to ensure that quality healthcare is accessible to all, particularly women and children (Singapore);**
- 122.91 **Take measures to ensure universal vaccination coverage (Maldives);**
- 122.92 **Improve access to affordable healthcare for all through the effective implementation of its policies and directives (Thailand);**
- 122.93 **Further accelerate the efforts aiming at decreasing the infant, child and maternal mortality rates and increasing average life expectancy (Sri Lanka);**
- 122.94 **Continue taking action to reduce maternal and infant mortality (Israel);**
- 122.95 **Continue to implement measures to ensure all women and girls have equal access to quality sexual and reproductive healthcare (New Zealand);**
- 122.96 **Consider drafting a law that makes basic education mandatory and free (Qatar);**
- 122.97 **Consider expediting its work on the draft Bill to make basic education compulsory and free (Sri Lanka);**
- 122.98 **Continue to increase spending on education in order to improve coverage and quality of education with the special attention to the right to education of the vulnerable groups, including poor students, girls and children with disabilities (China);**
- 122.99 **Implement ongoing national policies to guarantee quality education to the multi-ethnic people (Lao People's Democratic Republic);**
- 122.100 **Accelerate the discussions regarding the bill to make basic education compulsory and free, currently under consideration (Israel);**
- 122.101 **Accelerate the process of considering the Education Bill currently under consideration at the Ministry of Education (Afghanistan);**
- 122.102 **Ensure equal access to education for all children (Namibia);**
- 122.103 **Continue its efforts to improve access to education for all, including by providing adequate resources (Indonesia);**
- 122.104 **Ensure equal educational opportunities for all children, including girls and Dalit children, in line with the observations made by the Committee on the Elimination of Discrimination against Women and the Committee on Economic, Social and Cultural Rights (Finland);**

- 122.105 Continue to pursue policies that will increase enrolment in schools of school-going aged children, in particular girls, and children from indigenous communities and minorities (Singapore);
- 122.106 Continue strengthening successful social policies that promote access to education and health of the people, particularly for women and children (Bolivarian Republic of Venezuela);
- 122.107 Amend current education policies to ensure an inclusive education system and implement concrete measures to increase the participation of children with disability (Norway);
- 122.108 Take measures to ensure compulsory and free primary and quality education for all (Maldives);
- 122.109 Design instruments for measuring and generating reliable and disaggregated data on persons with disabilities and remove any legal barrier and discriminatory practices towards persons with disabilities (Panama);
- 122.110 Include defenders of human rights of persons with disabilities in the decision-making process on education policies (Spain);
- 122.111 Ensure that earthquake relief engages and addresses the needs of members of vulnerable communities, including Dalits, and promotes decent work (United States of America);
- 122.112 Collaborate with civil society, regional and global organisations to protect the rights of Nepalese migrant workers abroad (Australia);
- 122.113 Continue making progress in the implementation of measures to offer assistance and rehabilitation to persons displaced due to natural disasters (Colombia);
- 122.114 Continue to engage its partners with the view to build capacity and mobilize resources in support of its development efforts and in fulfilling its human rights obligations (Philippines);
- 122.115 Continue to implement policies for women development under SDGs (Pakistan).
123. The following recommendations will be examined by Nepal, which will provide responses in due time, but no later than the thirty-first session of the Human Rights Council, in March 2016:
- 123.1 Study the possibility of accepting the competence of the Committee against Torture (Panama);
- 123.2 Study the possibility of the ratification of the Optional Protocol to the Convention against Torture (Panama);
- 123.3 Accede to the Optional Protocol to the Convention against Torture (New Zealand) (Czech Republic);
- 123.4 Ratify the Optional Protocol to the Convention against Torture (Montenegro) (Denmark) (Uruguay) (Ghana) (Germany);
- 123.5 Sign and ratify the Optional Protocol to the Convention against Torture (Portugal);
- 123.6 Sign the Optional Protocol to the Convention against Torture (Sweden);

- 123.7 **Ratify the International Convention on the Protection of the Rights of All Migrant Workers and Their Families (Timor-Leste) (Sierra Leone);**
- 123.8 **Consider ratifying International Convention on the Protection of the Rights of All Migrant Workers and Their Families (Philippines) (Egypt);**
- 123.9 **Continue its consideration to ratify the International Convention on the Protection of the Rights of All Migrant Workers and Their Families (Indonesia);**
- 123.10 **Ratify the International Covenant for the Protection of All Persons from Enforced Disappearance (Argentina) (Sierra Leone) (France) (Japan) (Ghana);**
- 123.11 **Ratify and implement the International Convention for the Protection of All Persons from Enforced Disappearance (Paraguay);**
- 123.12 **Consider ratifying the Palermo Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children (Egypt);**
- 123.13 **Ratify the Rome Statute of the International Criminal Court (Switzerland) (Portugal) (Germany) (Ghana);**
- 123.14 **Ratify and implement the Rome Statute (Paraguay);**
- 123.15 **Ratify the Rome Statute of the International Criminal Court and incorporate its provisions into national legislation; and accede to the Agreement on Privileges and Immunities of the Court (Estonia);**
- 123.16 **Ratify and implement in the national legislation the Rome Statute of the International Criminal Court (Costa Rica);**
- 123.17 **Ratify the Rome Statute of the International Criminal Court and implement it in its national legislation (Hungary);**
- 123.18 **Accede to the Rome Statute of the International Criminal Court (Czech Republic);**
- 123.19 **Accede to the Rome Statute of the International Criminal Court and the Convention on the Non-Applicability of Statutory Limitations to War Crimes and Crimes against Humanity (Uruguay);**
- 123.20 **Accede to and fully align its national legislation with the Rome Statute of the International Criminal Court (Latvia);**
- 123.21 **Take all necessary measures towards acceding to the Rome Statute of the International Criminal Court (Cyprus);**
- 123.22 **Ratify International Labour Organization Convention No. 87 (Algeria);**
- 123.23 **Consider amending the Constitution to allow women to convey their citizenship to their children and foreign spouses on an equal basis with men (United States of America);**
- 123.24 **Enact consolidated laws addressing all types of sexual violence effectively, with provisions of no statutory limitation on rape and other sexual violence, adequate witness and victim protection mechanisms, compensation from state and measures to address special needs of girls below 16 (Norway);**

- 123.25 **Decriminalize the act of attempted suicide (Haiti);<sup>4</sup>**
- 123.26 **Accept the request of visit by the Special Rapporteur on the promotion of truth, justice, reparation and guarantees of non-recurrence, the Special Rapporteur on the situation of human rights defenders, the Working Group on Enforced or Involuntary Disappearances and cooperate fully with the mandate holders (Hungary);**
- 123.27 **Accept the requests to visit the country made by some special procedures, including the request made by the Special Rapporteur on the promotion of truth, justice, reparation and guarantees of non-recurrence (Uruguay);**
- 123.28 **Amend the 2014 Commission on Investigation of Disappeared Persons, Truth and Reconciliation Act (TRC) in compliance with the Supreme Court ruling of 26 February, 2015 in order to uphold international standards relating to accountability for gross violations of international human rights and international humanitarian law (Denmark);**
- 123.29 **Raise the age of criminal responsibility of children that currently stands at 10 years of age (Chile);**
- 123.30 **Take measures to implement the Supreme Court's decision concerning same sex marriage (Brazil).**
124. **The recommendations below did not enjoy the support of Nepal and would thus be noted:**
- 124.1 **Ratify the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights (Uruguay);**
- 124.2 **Sign and ratify the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights (Portugal);**
- 124.3 **Ratify the Optional Protocol to the Convention on the Rights of the Child on a communications procedure (Slovakia) (Chile) (Montenegro);**
- 124.4 **Consider ratifying International Labour Organization Convention No. 189 (Philippines);**
- 124.5 **Ratify the conventions on refugees and stateless persons (Portugal);**
- 124.6 **Ensure the protection of Tibetan refugees by ratifying and applying the 1951 Convention relating to the Status of Refugees and its 1967 Protocol (France);**
- 124.7 **Consider amending the Constitution to strike provisions that appear to curtail religious freedoms (United States of America);**
- 124.8 **Set up an independent Commission for children and women (India);**
- 124.9 **Issue a standing invitation to the special procedures of the Human Rights Council (Switzerland);**
- 124.10 **Issue a standing invitation to the special procedures of the Human Rights Council (Czech Republic);**

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<sup>4</sup> The recommendation as read during the interactive dialogue: Decriminalize suicide (Haiti).



- 124.11 Extend a standing invitation to the special procedures mechanisms to visit the country (Costa Rica);
- 124.12 Extend a standing invitation to all Special Procedure mandate holders (Latvia);
- 124.13 Extend a standing invitation to special procedures (Uruguay);
- 124.14 Consider extending a standing invitation to the mandate holders of all special procedures of the Human Rights Council (Republic of Korea);
- 124.15 Strengthen the rule of law by establishing an independent complaints commission capable of investigating and prosecuting complaints against the security forces (United Kingdom of Great Britain and Northern Ireland);
- 124.16 Eliminate the prohibition of conversion to another religion, which undermines freedom of religion (Spain);
- 124.17 Provide refugees and their families with identification certificates making sure that all children of refugees have access to education, and repeal restrictions on refugees' rights to own property, to work, to establish and incorporate businesses and to travel freely (Germany);
- 124.18 Register refugees and provide documentation so they are able to work, access education, and travel (United States of America).

125. With regard to the recommendations noted above in paragraphs 124.1 and 124.2, Nepal considers that the current priority of the Government of Nepal is to effectively fulfil its obligations created by the international instruments to which it is a party. The Government will make efforts to join more international instruments by considering our national interest and existing implementation capacity. More importantly, the supreme priority of the new government of Nepal is to implement the new constitution promulgated on 20 September 2015, which has guaranteed more than 32 human rights and created specific obligations to institutionalize substantive equality and egalitarian society. Moreover, the Government has pursued the policy to build requisite infrastructure before joining any international instruments.

126. With regard to the recommendations noted above in paragraph 124.3, Nepal considers that current priority of the Government of Nepal is to effectively fulfil the obligations created by the international instruments to which it is a party. The Government will make efforts to join more international instruments by considering our national interest and existing implementation capacity. More importantly, the supreme priority of the new government of Nepal is to implement the new constitution promulgated on 20 September 2015, which has guaranteed more than 32 human rights and created specific obligations to institutionalize substantive equality and egalitarian society. Moreover, the Government has pursued the policy to build requisite infrastructure before joining any international instruments.

127. With regard to the recommendation noted above in paragraphs 124.5 and 124.6, the Government of Nepal has no intention to join the refugee convention and its protocol because of its open border with neighbouring country, small size of the country and limited resources.

128. With regard to the recommendation noted above in paragraph 124.7, Nepal considers that the Constitution promulgated by the elected Constituent Assembly fully ensures religious freedom to all people, and prohibits discrimination of any forms on ground of religious faith and philosophy. Every person is free to choose, adopt, profess or practice religious belief.

129. With regard to the recommendation noted above in paragraph 124.8, Nepal considers that the National Human Rights Commission is empowered to undertake necessary actions for the protection, promotion and monitoring of child rights situation on the basis of the principle of the best interest of the child. The Government of Nepal views that the establishment of a separate Commission for children will create duplication and coordination problem between the mandates of National Human Rights Institutions. The new Constitution has upgraded National Women Commission as independent constitutional body.

130. With regard to the recommendations noted above in paragraphs 124.9 to 124.14, the Government of Nepal is committed to further strengthen its engagement with the Special Procedures and UN human rights mechanisms. As of now, ten Special Rapporteurs/Mandate holders have already visited on different occasions. Last year, Nepal had agreed the visit request of two Special Rapporteurs, namely, Special Rapporteur on Migrants and Special rapporteur's on rule of on independence of judges and lawyers. But it has not been taken place. We will consider the remaining request of country visit of the mandate holders and Special Procedures. In order to make the country visit more effective and fruitful, we will invite the mandate holders and Special Procedures on case to case basis.

131. With regard to the recommendation noted above in paragraph 124.15, Nepal considers that as per the prevailing laws of Nepal, no security personnel can enjoy immunity from criminal liability in case of human rights violation. In such case, the legislation of Nepal provides adequate mechanisms to investigate and prosecute the alleged perpetrators and bring them to justice. National Human Rights Commission, an independent constitutional body, is empowered to effectively monitor the situation of human rights violation.

132. With regard to the recommendation noted above in paragraph 124.16, Nepal considers that the constitution promulgated by the elected Constituent Assembly fully ensures religious freedom to all people, and prohibits discrimination of any forms on ground of religious faith and philosophy. Every person is free to choose, adopt, profess or practice religious belief. However, proselytism by force or undue influence or inducement is prohibited. This does not undermine freedom of religion.

133. With regard to the recommendation noted above in paragraphs 124.17 and 124.18, Nepal states it is not a party to the Refugee Convention and its protocol. However, it has provided temporary shelter to refugees on humanitarian ground. The refugees who enter into Nepal before 1990 had been provided refugee status who are free to enjoy the rights and liberty in accordance with the prevailing laws of Nepal. The Government of Nepal has pursued not to recognize foreigners as refugees. Nevertheless, the Government is effortful to update the records of such foreigners and their children in order to remove difficulties of their children to enjoy right to education.

134. 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 endorsed by the Working Group as a whole.

## Annex

### Composition of the delegation

The delegation of Nepal was headed by Hon. Minister Kamal THAPA, Deputy Prime Minister and Minister for Foreign Affairs and composed of the following members:

- Mr. Kamalshali GHIMIRE, Secretary, Office of the Prime Minister and Council of Ministers;
  - Mr. Narendra Man SHRESTHA, Secretary, Truth and Reconciliation Commission;
  - Mr. Mahesh Sharma POUDEL, Secretary, Commission of Investigation on Enforced Disappearances;
  - H.E. Mr. Deepak DHITAL, Ambassador/Permanent Representative, Permanent Mission of Nepal to the UN, and other International Organizations, Geneva;
  - Mr. Ramesh DHAKAL, Joint Secretary, Office of the Prime Minister and Council of Ministers;
  - Mr. Uttar Kumar KHATRI, Joint Secretary, Office of the Prime Minister and Council of Ministers
  - Mr. Dilli Raj GHIMIRE, Joint Secretary, Ministry of Law, Justice and Parliamentary Affairs;
  - Mr. Dhanraj GNYAWALI, Joint Secretary, Ministry of Home Affairs;
  - Mr. Maniram OJHA, Joint Secretary, Ministry of Finance;
  - Ms. Radhika ARYAL, Joint Secretary, Ministry of Women, Children and Social Welfare;
  - Mr. Tara Prasad POKHAREL, Joint Secretary, Ministry of Foreign Affairs;
  - Mr. Bharat Kumar REGMI, Under Secretary, Ministry of Foreign Affairs;
  - Mr. Suresh ADHIKARI, Deputy Permanent Representative/Counsellor and other International Organizations, Geneva Permanent Mission of Nepal to the United Nations;
  - Ms. Ranju GAUTAM, Section Officer, Office of the prime Minister and Member Council of Ministers.
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