



Suggestion of NHRC Nepal to the Government of Nepal on the recommendations of UPR Process for 16 March 2016

Nepal
Recommendations of UPR-Second Cycle
Nepal's Commitment to provide response in 31st session of Human Rights Council

Suggestions of the National Human Rights Commission Nepal
to the Government of Nepal

15 February, 2015

Nepal's human rights record was reviewed second time at the twenty third session of United Nations Human Rights Council on 4 November 2015. During the session, Nepal received a total of 195 recommendations from the 73 member states of the UN. Among those recommendations, Government of Nepal has accepted 148 and noted 18 recommendations. Nepal had made commitment to provide response to the remaining 29 recommendations before the 31st session of the Human Rights Council to be held on 16th March, 2016. The outcome document of the review, the Working Group (WG) report, will be formally adopted before the UN Human Rights Council from the Session.

In this process, the Government of Nepal has consulted National Human Rights Commission (NHRC), National Human Rights Institutions and Civil Society members to provide feedback. The initiative of the Office of the Prime Minister and Council of Ministers to coordinate with NHRI, CSOs as well as line ministries to conduct consultation on "pending recommendations" is commendable. During the consultation meeting the NHRC Nepal has provided feedback regarding adoption of the UPR Recommendations.

NHRC has also organized consultation meeting with concerned Civil Society Organizations on 15 February, 2016 in order to congregate suggestions regarding the pending UPR Recommendations. In this regard, on behalf of the National Human Rights Commission Nepal, the following suggestion has been provided to the Government of Nepal.

Suggestions

UPR Recommendations	Suggestions	Reasons
7.1 Study possibility of To be accepting the competence of the committee against torture (Panama)	To be accepted	<ul style="list-style-type: none">• Nepal has already ratified the CAT Convention without any reservation• Article 22 of the Constitution of Nepal, 2015 has mentioned rights against torture as a Fundamental Rights• Nepal's commitment of preventing torture at national and international level• Enhancing cooperation with UN human rights mechanisms• Establishment of national prevention mechanism will help to end practice of torture• One of the recommendations from previous
7.2. Study the possibility of the ratification of the Optional Protocol to CAT (Panama)	To be accepted	
7.3. Accede to the Optional Protocol to the Convention against Torture (New Zealand) (Czech Republic)	To be accepted	
7.5. Ratify the Optional Protocol to the Convention	To be accepted	



Suggestion of NHRC Nepal to the Government of Nepal on the recommendations of UPR Process for 16 March 2016

UPR Recommendations	Suggestions	Reasons
against Torture(Montenegro) (Denmark) (Uruguay) (Ghana) (Germany);		UPR Cycle in 2011.
7.6. Sign and ratify OP-CAT (Portugal);	To be accepted	
7.7. Sign OP-CAT (Sweden);	To be accepted	
7.8. Ratify the ICRMW (Timor-Leste) (Sierra Leone);	To be accepted	<ul style="list-style-type: none"> • National Human Rights Commission has already recommended to the Government of Nepal for ratification of ICRMW on November, 2012. • One of the core Conventions of the UN human rights treaties • Nepal is basically a labour sending country. Around forty hundred thousand Nepalese migrant workers are working in various countries taking labour permission • Contribution of remittance in national GDP is more than 29% and more than 56% households are getting remittance • The Convention has provided lesser obligation for labour sending countries than labour receiving countries • Almost labor sending countries have ratified the Convention • Ratification can help for advocacy to ratify the Convention to the labour receiving countries • It will be helpful for the promotion and protection of the rights of the migrant workers
7.9. Consider ratifying ICRMW (Philippines) (Egypt);	To be accepted	
7.10. Continue its consideration to ratify the ICRMW (Indonesia);	To be accepted	
7.11. Ratify the International Covenant for the Protection of All Persons from Enforced Disappearance (ICPPED) (Argentina) (Sierra Leone) (France) (Japan) (Ghana);	To be accepted	
7.12. Ratify and implement the International Convention for the Protection of	To be accepted	<ul style="list-style-type: none"> • One of the core Conventions of the UN human rights treaties • The problem of the enforced disappearance is one of the serious human rights issues in Nepal. During the decade-long armed conflict, the NHRC Nepal received more than three thousand three hundred complaints about enforced disappearance and whereabouts of more than one thousand people is still unknown.



Suggestion of NHRC Nepal to the Government of Nepal on the recommendations of UPR Process for 16 March 2016

UPR Recommendations	Suggestions	Reasons
All Persons from Enforced Disappearance, (Paraguay);		<ul style="list-style-type: none"> • Recommendations from the NHRC Nepal and several orders of Supreme Court to protect person from enforced disappearance and to ensure justice to the victims through enactment of law and criminalization of act of enforced disappearance • One of the recommendations of UPR First Cycle in 2011.
7.13. Consider ratifying the Palermo Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially women and children (Egypt);	To be accepted	<ul style="list-style-type: none"> • UNTOC convention has been already ratified by Nepal • Ratification can help to enhance bilateral mutual legal assistance between origin and destination countries • Makes the definition of trafficking broad. • India has already ratified the Protocol which is both transit and destination country of human trafficking for Nepal. So, ratification of the Protocol can help to enhance mutual legal assistance and bilateral cooperation • The Protocol is Victim-centric that helps to ensure rights of victims of human trafficking.
7.14. Ratify the Rome Statute of the International Criminal Court (Switzerland) (Portugal) (Germany) (Ghana);	To be accepted	<ul style="list-style-type: none"> • Recommendation of NHRC to ratify the Rome Statute • Legislature Parliament has already given directive to the Government of Nepal to ratify ICC • Promoting Government's commitment to prevent impunity by preventing serious human rights violations • To end state of impunity • To ensure crimes defined by Statute will not happen in the future • One of the recommendations of UPR First Cycle in 2011.
7.15. Ratify and implement the Rome Statute (Paraguay);	To be accepted	
7.16. 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);	To be accepted	
7.17. Ratify and implement in the national legislation the Rome Statute of the	To be accepted	



Suggestion of NHRC Nepal to the Government of Nepal on the recommendations of UPR Process for 16 March 2016

UPR Recommendations	Suggestions	Reasons
International Criminal Court (Costa Rica);		
7.18. Ratify the Rome Statute of the ICC and implement it in its national legislation (Hungary);	To be accepted	
7.19. Accede to the Rome Statute of the ICC (Czech Republic);	To be accepted	
7.20. 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);	To be accepted	
7.21. Accede to and fully align its national legislation with the Rome Statute of the International Criminal Court (Latvia);	To be accepted	
7.22. Take all necessary measures towards acceding to the Rome Statute of the International Criminal Court (Cyprus);	To be accepted	
7.23. Ratify ILO Convention No. 87 (Algeria);	To be accepted	<ul style="list-style-type: none"> • Right to freedom of association has been assured as a Fundamental Rights by the Constitution of Nepal, 2015 • Nepalese labours have right to form and join Trade Union according to the prevailing law • Trade Union related laws and mechanism has already been set up • Further commitment of Nepal for the promotion and protection of labour rights.
7.24. Enact consolidated laws addressing all types of sexual	To be accepted	<ul style="list-style-type: none"> • To develop effective legal and institutional mechanisms for protection of victim and



Suggestion of NHRC Nepal to the Government of Nepal on the recommendations of UPR Process for 16 March 2016

UPR Recommendations	Suggestions	Reasons
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);		<p>witness is one of the major concerns of sexual violence cases</p> <ul style="list-style-type: none"> • To promote Government efforts and commitment to end sexual violence • To provide justice to the victims of sexual violence including rape victims.
7.25. Decriminalize the act of attempted suicide (Haiti) ² ;		<ul style="list-style-type: none"> • According to the General Code act of attempted suicide is not a crime.
7.26. To be accepted the request of visit by the Special Rapporteur on the promotion of truth, justice, reparation and guarantees of non-recurrence, the Special Rapporteur on human rights defenders, the United Nations Working Group on enforced or involuntary disappearances and cooperate fully with the mandate holders (Hungary);	To be accepted	<ul style="list-style-type: none"> • To enhance international cooperation for protection and promotion of human rights • To ensure the international community about country's commitment for the promotion and protection of human rights of the people • To provide information to the international community about human rights situation of the concerned thematic issues
7.27. To be accepted 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);	To be accepted	<ul style="list-style-type: none"> • To minimize the personal visits of the rapporteurs • To seek international cooperation for better protection of human rights of victims.
7.28. Amend the 2014 Commission on Investigation of Disappeared Persons, Truth and Reconciliation Act (TRC) in compliance with the Supreme Court ruling of 26	To be accepted	<ul style="list-style-type: none"> • NHRC Nepal has already recommended the Government to ensure justice to the conflict victims by establishing effective mechanisms and the commission has already provided its inputs in the concerned laws in order to make transitional justice mechanisms compatible with



Suggestion of NHRC Nepal to the Government of Nepal on the recommendations of UPR Process for 16 March 2016

UPR Recommendations	Suggestions	Reasons
February, 2015 in order to uphold international standards relating to accountability for gross violations of international human rights and international humanitarian law (Denmark);		<p>international standards</p> <ul style="list-style-type: none"> • Government's obligation to implement Supreme Court's order and NHRC recommendations • To ensure justice to the conflict victims through establishment of effective Transitional Justice Mechanisms
7.29. Raise the age of criminal responsibility of children that currently stands at 10 years of age (Chile);	To be accepted	<ul style="list-style-type: none"> • Nepal has already ratified the Convention on Child Rights • General Comment No. 10, the Committee on the Right the Child has recommended that the minimum age of criminal responsibility be no lower than twelve years. • To make the provision of criminal liability of children with international standards
7.30. Take measures to implement the Supreme Court`s decision concerning same sex marriage (Brazil).	To be accepted	<ul style="list-style-type: none"> • To implement the Order of the Supreme Court and recommendations of Same Sex Marriage Study Committee • Constitution of Nepal, 2015 has ensured rights to equality for all citizens and it has taken sexual and gender minorities as a socially and culturally deprived class of people • Government's commitment through Fourth National Human Rights Action Plan of Nepal to ensure rights of sexual and gender minorities through legal reform • Sexual and gender minorities are getting Citizenship Certificate, Passport and other identity documents on their own identity • Obligation of the state for not to discriminate any citizens on sex, gender and other forms. • To ensure right to marriage and family of sexual and gender minorities.
