

# National Human Rights Commission-Nepal

## Report

September, 2013

Mid-Term Report on  
the Implementation status of Conclusion  
and Recommendations of  
Universal Periodic Review of Nepal

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# INTRODUCTION

The first Universal Periodic Review of the human rights situation in Nepal was held on 25 January 2011, during tenth Universal Periodic Review (UPR) session of the United Nations, Human Rights Council. Prior to the meeting, on December 2010, Government of Nepal (GoN) had submitted the national report on human rights situation of Nepal. On behalf of the Human Rights Institutions in the nation, the National Human Rights Commission, the National Women's Commission and the National Dalit Commission had submitted a joint UPR report. In addition to this, various Human Rights Organizations had submitted their reports to the Council.

After the comprehensive discussion on the Human Rights Situation Report of Nepal, fifty-five states had provided a range of (137) recommendations to Nepal. The GoN accepted 56 of these recommendations with a commitment to implement them accordingly. The GoN mentioned that 28 recommendations had already been implemented or were in the process of implementation; 15 recommendations were rejected by the Government. Further more, the Government was learned to have provided its view on 36 recommendations during seventeenth meeting of Human Rights Council on 6th June 2011.

In this regard, it is the state responsibility to implement suggestions and recommendations on various issues of human rights. It is necessary to ensure that the international community's recommendations will be implemented accurately and efficiently. In this regard, the GoN has formulated a strategic plan. Second Periodic Review of Nepal will be held on twenty-third Assembly of the UN Human Rights Council. There will be extensive discussion on the implementation of the commitments expressed by Nepal during the meeting.

# OBJECTIVE OF THE REPORT

This report has been prepared as a part of Universal Periodic Review, studying on the implementation status of the recommendations in order for improving the human rights situation in Nepal.

# METHODOLOGY OF THE REPORT

The report was prepared by thoroughly examining the responses and commitments of the GoN to the recommendations and suggestions provided by the states. The report and the Action plan of GoN, along with various other reports were also studied. The implementation of UPR recommendations was mainly accessed by studying the information gathered by the NHRC's investigations and by examining the data collected through monitoring the human rights situation across the country.

During the course of writing the report, discussions and consultations were held with the concerned stakeholders for collecting data and verifying the facts. Facts were collected by organizing interaction programs with Ministries and implementation agencies mentioned in the Action Plan of the GoN, National Women Commission, National Dalit Commission, Adibasi Janajati Uthan Rastriya Pratishthan and National Child Welfare Committee. Written suggestions from these agencies were also obtained through correspondence. In addition, suggestions from the Non-governmental Organizations obtained through interaction programs and written form were also incorporated in the report.

# STATUS OF IMPLEMENTATION OF CONCLUSION AND RECOMMENDATIONS

The GoN had accepted almost all suggestions and recommendations of the UPR and responded on some recommendations in the process of implementation. Some suggestions and recommendations had been rejected. The implementation status of the recommendations has been laid as tabulated below.

# IMPLEMENTATION STATUS OF THE ACCEPTED/ IN THE PROCESS OF IMPLEMENTATION OF CONCLUSIONS AND RECOMMENDATIONS





THEMATIC ISSUES	RECOMMENDING STATES AND COMMITMENT	CONCLUSIONS AND RECOMMENDATIONS	STATUS OF IMPLEMENTATION	NHRC INITIATIVES
<p>Making of Human Rights Friendly Constitution</p>	<p>Republic Korea, Egypt, Poland, China, Holy Sea, Italy, France, Azerbaijan, Slovakia (Accepted)</p>	<ul style="list-style-type: none"> <li>■ Give its full support to ensure that the Constituent Assembly successfully fulfils its mandate of drafting a new Constitution by May 2011,</li> <li>■ Frame a new Constitution and undertake a democratic, inclusive and progressive State restructuring,</li> <li>■ 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,</li> <li>■ Ensure that the new Constitution is in line with international standards and Continue the process of bringing its national legislation in line with international standards and Review its legal framework to provide for a better protection and promotion of women's rights,</li> <li>■ Continue pursuing socio-economic and political transformation process that will also imply the framing of a new constitution.</li> </ul>	<ul style="list-style-type: none"> <li>■ Despite the ample discussion on the content of the recommendations in the Constituent Assembly (CA), the implementation of the recommendations could not tap impetus due to the dissolution of the CA without the promulgation of new constitution.</li> <li>■ There has been consensus among the major political parties to form the new constitution after yet another new Constituent Assembly to be held sometime in November, 2013. For the purpose, the interim election government has been formed in the leadership of the Chief Justice. The same Chief Justice holds the office of both the chief of judiciary and executive which has been criticized far and wide as it is against the principle of separation of power and concept of independency of the judiciary.</li> <li>■ According to the agreement of the major political parties the election government has decided hold the fresh election of the Constituent Assembly on 19th November, 2013. Despite the possibility of new election of the CA on the scheduled date the possibility of framing new constituent in stipulated timeframe is still uncertain due to some political parties' declaration of boycotting of election together with the continuous existence of odds and disagreement among the political parties. In this regard, it is necessary to convince the unsatisfied political parties to have election in fearless and fair environment.</li> <li>■ The Constitution could not be promulgated due to the disagreement among the political parties mainly on the issues of state restructuring, federalism and ethnic identity in the process of framing new constitution via the past CA; the same disputes among the political parties have been inexistence as before.</li> <li>■ The past CA was inclusive from the point of view of ethnicity and gender and the political parties have agreed to make similar structure of the CA by maintaining same provisions of inclusiveness.</li> </ul>	<ul style="list-style-type: none"> <li>■ The NHRC had proposed to the GoNto incorporate these recommendations as provisions into human rights friendly constitution, after the recommendations were reviewed by a Committee led by the Commission member Ram Nagina Singh.</li> <li>■ Different interaction programs with the representatives of the civil society, GoN, political parties and members of the CA including Prime Minister had been organized in all five Development Regions about framing of human rights friendly constitution. In this regard, the Commission has time and again appealed to frame human rights friendly constitution.</li> <li>■ Advocacy campaign was organized to ensure inclusiveness and rights of the women, minorities, marginalized and suppressed groups of the people.</li> <li>■ TV jingles about human rights friendly constitution were regularly broadcast on National television channels.</li> </ul>

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THEMATIC ISSUES	RECOMMENDING STATES AND COMMITMENT	CONCLUSIONS AND RECOMMENDATIONS	STATUS OF IMPLEMENTATION	NHRC INITIATIVES
Peace process, political stability and strengthening the democracy	Holy Sea, Vietnam, Singapore, Pakistan, Bhutan, Yemen (Accepted)	<ul style="list-style-type: none"> <li>■ 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,</li> <li>■ Seek to enhance international cooperation to address the lack of human capacity and financial resources in the peace process and post conflict reconstruction,</li> <li>■ Continue its national reconciliation efforts,</li> <li>■ Seek support of the international community in Nepal's efforts to firmly institutionalize peace building efforts,</li> </ul>	<ul style="list-style-type: none"> <li>■ The draft constitution prepared by past CA has included freedom of religion and beliefs. The political parties have made commitment to ensure freedom of religion, right to equality and non-discrimination in the new constitution.</li> <li>■ The political parties have made commitment to frame new constitution in line with international standards. The draft of the constitution prepared by the dissolved CA has included women's rights; therefore, it is anticipated that the new constitution will have similar provisions. The agreement of the political parties on framing new CA with the similar provision as before has ensured minimum 33% representation of women and inclusiveness of the different cast.</li> <li>■ The national law is being framed in line with international standards. After the dissolution of the CA there has not been any significant progress in making human rights friendly laws together with legal reforms.</li> </ul>	
Peace process, political stability and strengthening the democracy	Holy Sea, Vietnam, Singapore, Pakistan, Bhutan, Yemen (Accepted)	<ul style="list-style-type: none"> <li>■ 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,</li> <li>■ Seek to enhance international cooperation to address the lack of human capacity and financial resources in the peace process and post conflict reconstruction,</li> <li>■ Continue its national reconciliation efforts,</li> <li>■ Seek support of the international community in Nepal's efforts to firmly institutionalize peace building efforts,</li> </ul>	<ul style="list-style-type: none"> <li>■ Most of the tasks of the peace process have been successfully completed. The process of integration of Maoist Combatants into Nepal Army and management of arms has been completed successfully.</li> <li>■ The important issues of human rights are incorporated in the Comprehensive Peace Accord 2005.</li> <li>■ The Government of Nepal has established Ministry of Peace and Reconstruction in order to manage peace process.</li> <li>■ Reconstruction of the destroyed physical infrastructures during the period of armed conflict is yet to be completed despite huge investment of the Government.</li> <li>■ The Government has established Local Peace Committees for establishment of peace in grassroots level; however, these committees could not accomplish their tasks effectively.</li> </ul>	<ul style="list-style-type: none"> <li>■ The CPA of 2005 has provided responsibility to the National Human Rights Commission to monitor the enforcement of human rights provisions set forth in the Peace Accord. In this regard, the Commission has published periodic reports and provided recommendations to the concerned parties for monitoring the human situation after the landmark signing of the Comprehensive Peace Accord (CPA) the conflicting parties.</li> </ul>

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THEMATIC ISSUES	RECOMMENDING STATES AND COMMITMENT	CONCLUSIONS AND RECOMMENDATIONS	STATUS OF IMPLEMENTATION	NHRC INITIATIVES
		<ul style="list-style-type: none"><li>■ Continue efforts in ending the political instability in the country,</li><li>■ Continue to strengthen the democratic experience that it has embarked upon.</li></ul>	<ul style="list-style-type: none"><li>■ Following the increase of criminal activities of armed groups emerged during the peace process especially in the Southern Terai region and eastern hills; the GoN has made peace agreement with various armed groups through dialogues. Following this, criminal activities of the armed groups have significantly decreased; however, it has not been completely impeded.</li><li>■ International Communities including UN agencies have complimented great support in the peace process and reconstruction. United Nations Mission to Nepal (UNMIN) and United Nations Office of the High Commissioner on Human Rights (OHCHR) have provided a vital support by establishing their offices in Nepal.</li><li>■ During the peace process, various agreements have been made through extensive dialogues among the conflicting parties; however, because of the failure to establish the Truth and Reconciliation Commission (TRC), there are so cumbersome tasks left to accomplish for the establishment of peaceful environment in society.</li><li>■ It is found that the Government has not given priority to reconciliation.</li><li>■ Ever since the peace process hit, political instability has been increasing. Owing to the trust deficit among the political parties, the government of ex-bureaucrats at the leadership of Chief Justice has been formed. Human Rights situation of country has been negatively affected due to increasing political instability/impasse.</li><li>■ The Interim Constitution of Nepal - 2007 has fully accepted the democratic system; however, the unhealthy competitions among the political parties including the financial irregularities and lack of transparency have altogether caused stagnation to the democratic development. Such situation has created undue frustration among the people towards politics.</li></ul>	

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THEMATIC ISSUES	RECOMMENDING STATES AND COMMITMENT	CONCLUSIONS AND RECOMMENDATIONS	STATUS OF IMPLEMENTATION	NHRC INITIATIVES
Transitional Justice	United States, Australia, Norway, Switzerland, Sweden, Republic of Korea, Czech Republic, Netherlands, Argentina, New Zealand (Accepted)	<ul style="list-style-type: none"> <li>■ 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,</li> <li>■ Establish without further delay the Truth and Reconciliation Commission and Disappearances Commission and ensure their independence from political interference,</li> <li>■ Ensure that there be no amnesty for grave violations of human rights,</li> <li>■ Ensure reparations to victims, including family members of the disappeared,</li> <li>■ 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,</li> <li>■ Seek to remove the obstacles faced by victims trying to access justice,</li> <li>■ Set up a Truth and Reconciliation Commission and a Commission of Inquiry on Disappearances which are fully in accordance with international standards.</li> </ul>	<ul style="list-style-type: none"> <li>■ Victims are being further stigmatized because of the failure to establish transitional justice mechanisms in the period of six years of the CPA. Legislations were drafted several times, but the political parties are skeptical to enact the legislations tabled due to the disagreement among them. The intention of political parties to provide immunity to the persons involved in serious human rights violation has been criticized at national and international level.</li> <li>■ The GoN had enacted the ordinances related to the Investigation of Disappeared Persons and Truth and Reconciliation by publishing in Nepal Gazette on 14th March, 2013. But the Ordinance has the provision to provide immunity advantage to the perpetrators instead of prosecution and is not in line with international standards. The Supreme Court has issued stay order for withholding the implementation of the law until the final decision of the court.</li> <li>■ GoN has provided limited amount of compensation in terms of cash to the victims and their families victimized through killing and to those disappeared and internally displaced; however, the victims could not enjoy the right to reparation. In this regard, the Ministry of Peace and Reconstruction mentioned the Ministry could not provide reparation to the victims in the absence of Truth and Reconciliation Commission.</li> <li>■ Victims of sexual violence and torture have not got any relief from the state till today.</li> <li>■ The GoN has withdrawn the cases of serious human rights violations instead of instituting prosecution and refused to implement the decisions of the judiciary and recommendations of the National Human Rights Commission. The GoN has also given promotion to those perpetrators involved in serious human rights violations of the armed conflict period. The GoN and Political Parties have failed to implement their commitment towards not withdrawing the cases of serious crime. The NHRC has received the information that the Governments formed after the success of Popular Peoples Movement 2005 in the leadership of Nepali Congress, Communist Party of United Marxist Leninist (CPN-UML) and Communist Party of Unified Maoist (UCPN-M) have withdrawn around one thousand criminal cases.</li> </ul>	NHRC has made recommendations to establish without further delay the independent and impartial Truth and Reconciliation Commission and Disappearances Commission having sufficient power and in line with international standards by formulating laws about them. The Commission also provided its advisory inputs on the draft Bills. <ul style="list-style-type: none"> <li>■ The Commission has urged the GoN and political parties not to withdraw cases of serious human rights violators, and to prosecute the perpetrators involved in serious human rights violation including the cases that took place during the period of armed conflict.</li> </ul>

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THEMATIC ISSUES	RECOMMENDING STATES AND COMMITMENT	CONCLUSIONS AND RECOMMENDATIONS	STATUS OF IMPLEMENTATION	NHRC INITIATIVES
Enforced Disappearances	France, Republic of Korea (Will examine)	<ul style="list-style-type: none"> <li>■ Criminalize the act of enforced disappearance, ratification of the UN Convention Protection of All Persons from Enforced Disappearance, and implantation of the decision of Supreme Court in 2007,</li> <li>■ Take 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.</li> </ul>	<ul style="list-style-type: none"> <li>■ The Government has claimed that it has initiated actions against perpetrators and provided compensation to the victims according to the recommendations of the NHRC. However, the facts gathered during the monitoring of NHRC shows that most of the victims have got compensation but the perpetrators have not been prosecuted. In some cases, the government has promoted the perpetrators instead of taking action against them contradicting with the NHRC recommendations. For instance, the personnel of Nepal Police involved in killing NHRC employee DayaramPariyar and personnel involved in killing three Dalit Women in Banspani area of Bardia district in allegation of hunting wild animals have not been prosecuted in spite of the recommendation of NHRC to the Government to prosecute them. In another case, after the 47 days long fasting to death of the parents of victim and as per the recommendation of NHRC, the Government has been initiating investigation regarding the murder of Krishna Prasad Adhikari from Fulej Village Development Committee of Gorkha district.</li> <li>■ The Ministry of Home has replied to the NHRC that the Government has been working to bring the perpetrators under rule of law; contrarily, the Government has withdrawn the cases of perpetrators involved in serious human rights violations.</li> </ul>	<ul style="list-style-type: none"> <li>■ The Commission has been monitoring the Government initiatives in order to publicize the status of disappeared persons and implementation of the decisions of the courts and NHRC recommendations.</li> </ul>
			<ul style="list-style-type: none"> <li>■ The Ordinance on investigation of Enforced Disappearance, Truth and Reconciliation Act, 2013 has not criminalized the act of disappearance. Nepal has not taken any initiative to ratify the Convention against Enforced Disappearances.</li> <li>■ The persons convicted as perpetrators by Court and National Human Rights Commission have not been prosecuted as yet.</li> <li>■ The Government has provided relief to the victims according to the decision of the Supreme Court in 2007; however, other orders have not been implemented. The order of the Court to enact retrospective law by defining enforced disappearance as a crime, formation of high level disappearance investigation commission in line with international standards and prosecution to the perpetrators have not been implemented yet.</li> </ul>	

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THEMATIC ISSUES	RECOMMENDING STATES AND COMMITMENT	CONCLUSIONS AND RECOMMENDATIONS	STATUS OF IMPLEMENTATION	NHRC INITIATIVES
				<ul style="list-style-type: none"> <li>■ The Commission has made recommendations to the Government to make law to prosecute the perpetrators by making the act of disappearance a crime, and to ensure reparation to the victims. The commission has issued letters to the government to implement the recommendation; however, the recommendation has not been implemented yet.</li> <li>■ NHRC has initiated exhumation of dead bodies in different 9 places of the country in order to find the truth and support for prosecution.</li> <li>■ NHRC has enacted the Guidelines on Exhumation and Ante-Mortem Form and recommended to the Government for implementation. In this regard, the Government has ordered the concerned agencies to implement it.</li> </ul>
Institutional reforms of security agencies, prosecution and implementation	France, Japan, Hungary, Turkey, Unites States of America, Morocco	<ul style="list-style-type: none"> <li>■ 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,</li> </ul>	<ul style="list-style-type: none"> <li>■ Continuous political interference has apparently hampered the prosecution of perpetrators who committed serious human rights violations during and after the armed conflict.</li> <li>■ Political interference has hindered to convict affirmed perpetrators (by Courts) under the rule of law.</li> <li>■ Such criminals have been working in high level of political parties, public services and security agencies and are getting promotion as well.</li> </ul>	<ul style="list-style-type: none"> <li>■ NHRC has been advocating, implementing fully the decisions of the courts and recommendations of NHRC regarding human rights violation cases. In this regard the Commission has prepared Concept paper and has made correspondence to the Government many times in order to take attention for implementation.</li> </ul>

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THEMATIC ISSUES	RECOMMENDING STATES AND COMMITMENT	CONCLUSIONS AND RECOMMENDATIONS	STATUS OF IMPLEMENTATION	NHRC INITIATIVES
		<ul style="list-style-type: none"><li>■ 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</li><li>■ Create a system of accountability to investigate and prosecute human rights violators in Nepal's military and law enforcement agencies</li><li>■ Review legislation, and amend it where necessary, to remove provisions which allow Government and military personnel to act with impunity,</li><li>■ Create a system of accountability to investigate and prosecute human rights violators in Nepal's military and law enforcement agencies,</li><li>■ Develop the necessary tools to ensure education and human rights training, notably for law enforcement officials,</li><li>■ Provide mandatory human rights training for its police force,</li></ul>	<ul style="list-style-type: none"><li>■ The facts from monitoring by NHRC shows that in some instances police has been arresting persons without arrest warrant and keeping them in illegal detention.</li><li>■ After the period of armed conflict, the acts of enforced disappearances have considerably decreased; however, in some cases, detainees have been denied access to communicate with their relatives and lawyers.</li><li>■ Sufficient initiation is not taken towards making the status of the disappeared persons during the period of armed conflict and with provision of reparation to the victims and prosecuting against perpetrators. For instance, as of today, GoN has not implemented the recommendation of NHRC to publicize the status of 43 disappeared persons from Bhairavnath Battalion of Nepal Army during the period of armed conflict; not to mention, those perpetrators have not been prosecuted. Likewise, the Government has not implemented the recommendation to publicize the status of ArjunBahadur Lama from Kavrepalanchok district. Nor has it prosecuted the Maoist responsible for the incident.</li><li>■ In order to make the legislations human rights friendly, reforms have been made continuously; however, further reform is needed.</li><li>■ In order to promote human rights education, Human Rights Unit in Ministry of Home, Human Rights Cell in Nepal Police and Armed Police Force, Human Rights Division in Ministry of Defense and Human Rights Division in Nepal Army have been established. Such mechanisms are functioning accordingly.</li><li>■ Nepal Police, Nepal Army and Armed Police Force have been conducting trainings on human rights and humanitarian law in their respective organizations.</li><li>■ Nepal Police and Nepal Army have adopted the Training Manual on Human Rights in order to provide training in their organizations.</li></ul>	

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			<ul style="list-style-type: none"> <li>■ Furthermore, Nepal Army, Nepal Police and Armed Police Force have prepared and distributed promotional tools including hand book on basic human rights.</li> </ul>	
	<p>Australia, Denmark, United Kingdom (Will Examine)</p>	<ul style="list-style-type: none"> <li>■ 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,</li> </ul>	<ul style="list-style-type: none"> <li>■ GoN has been making initiatives to establish Police Service Commission; however, it has not been established yet.</li> <li>■ The GoN has informed that it is going to establish the independent complaint system on behavior of security forces.</li> <li>■ The Ministry of Home informed that it has been taking departmental action against personnel involved in inhuman and degrading behavior; however, extensive reform is necessary in this regard.</li> <li>■ The security personnel of Nepal Police and Nepal Army involved in systematic human rights violation and excesses are being granted promotion; therefore, extensive reform with human rights perspectives is required in both agencies.</li> <li>■ GoN has informed that it has enacted measures and general principles about recruitment, transfer and promotion in Nepal Police on clear basis.</li> </ul>	<ul style="list-style-type: none"> <li>■ The Commission has recommended stopping promotion of security personnel involved in human rights violation cases; however, the recommendation has not been implemented</li> </ul>
<p>Torture, Extra Judicial Execution, Enforced Disappearances</p>	<p>Switzerland, United Kingdom, Denmark, Slovenia (Accepted)</p>	<ul style="list-style-type: none"> <li>■ 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,</li> <li>■ Criminalize torture and enforced disappearances in line with international standards,</li> <li>■ Enact specific legislation in domestic law to criminalize the offence of torture which is fully compliant with the requirements of the Convention against Torture,</li> <li>■ Undertake legal and administrative efforts to end torture and related impunity,</li> </ul>	<ul style="list-style-type: none"> <li>■ The Interim Constitution of Nepal- 2007 has mentioned that torture is a punishable act; however, Nepalese Law has not criminalized the act of torture. The Draft law relating to torture has not been enacted.</li> <li>■ Draft of Criminal Code, Criminal Procedural Code, Criminal act and punishment determination and implementation Bill has been under consideration awaiting discussion. The Bill has defined torture as a crime.</li> <li>■ The law related to enforced disappearances has not been enacted and it has not been criminalized yet. The Ordinance on investigation of disappeared persons and Truth and Reconciliation Commission has not criminalized enforced disappearance.</li> <li>■ Perpetrators involved in enforced disappearance may obtain immunity due to lack of law.</li> </ul>	<ul style="list-style-type: none"> <li>■ The Commission has recommended to the Government to include provisions related to prevention of torture in CAT Convention and other relevant international instruments in the torture related legislation. The Commission has also sought attention of the Government towards submitting torture related Bill in the Parliament without consultation with NHRC.</li> </ul>

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	Germany, Sweden, Austria (Will Examine)	<ul style="list-style-type: none"> <li>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,</li> </ul>	<ul style="list-style-type: none"> <li>Some cases registered under Torture and Compensation act have been decided by the courts for the compensation to be provided to the victims and departmental action against perpetrators. However, there has not been any sufficient initiation made towards establishing mechanism to prevent torture.</li> </ul>	<ul style="list-style-type: none"> <li>Likewise the Commission has also provided its suggestion on the draft of Criminal Code.</li> <li>During the meeting with the Prime Minister and the party presidents of the various political parties, the Commission has recommended to prevent torture and address the issue of impunity.</li> <li>The Commission has been advocating through interactions, workshop, meeting, discussion and awareness program to prevent torture and to end the state of impunity.</li> <li>The Commission has been making recommendation to take action against perpetrators involved in act of torture and provide compensation to the victims by investigating the cases registered at the Commission.</li> </ul>
Extra Judicial Execution	Denmark, Italy (Will Examine)	<ul style="list-style-type: none"> <li>Investigate credible allegations of extrajudicial killings and introduce an independent complaint mechanism on the conduct of the security forces</li> <li>Impartially investigate all allegations of extra-judicial killings and arbitrary executions, to prosecute those responsible,</li> </ul>	<ul style="list-style-type: none"> <li>Separate mechanism to investigate extra judicial execution has not been established yet.</li> <li>The Government has not performed impartial and effective investigation of the cases of extra judicial execution. Security forces used to conceal such cases of extra judicial execution instead of investigation and prosecution.</li> </ul>	

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THEMATIC ISSUES	RECOMMENDING STATES AND COMMITMENT	CONCLUSIONS AND RECOMMENDATIONS	STATUS OF IMPLEMENTATION	NHRC INITIATIVES
Ending Impunity	Sweden, United Kingdom (Accepted)	<ul style="list-style-type: none"> <li>■ 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,</li> <li>■ Conduct fair investigation in order to bring perpetrators under rule of law and develop the accountability.</li> </ul>	<ul style="list-style-type: none"> <li>■ The request of country visit by Special Rapporteur on Extra Judicial, Illegal and Arbitrary Execution and Working Group of Enforced Disappearance have not been accepted. In this regard, the Government has mentioned that the visit may be fruitful after having sufficient time on the basis of capacity of the state, priority, and necessity. A propos the GoN's announcement, some of the Special Rapporteur and Working Group have visited Nepal.</li> </ul>	<ul style="list-style-type: none"> <li>■ The Commission has been making recommendation to the Government to prosecute the perpetrators involved in extra judicial execution and provide compensation to the victims by investigating the cases registered at the Commission. In this regard, the Commission also has launched action on the basis of Suo-motto cognizance. In this regard, the Government has provided compensation to the victims and their families according to the recommendation of NHRC; however, the culprits have not been prosecuted until this day.</li> <li>■ The Commission issued letters to the GoN to prosecute the person involved in extra judicial execution on the basis of personal liability.</li> </ul>
		<ul style="list-style-type: none"> <li>■ Ensure that the perpetrators of human rights violations, both past and present, are brought to justice in proceedings which meet international standards of fairness,</li> <li>■ 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,</li> </ul>	<ul style="list-style-type: none"> <li>■ The repeated commitments of the Government to prosecute the human rights violators have not been implemented in practice. Perpetrators are enjoying immunities through political interferences. Impunity is being promoted by withdrawing criminal cases.</li> <li>■ Especially the implementation of decisions of courts relating to human rights violation in the period of armed conflict is very poor. Political interference has been observed from the beginning of prosecution till the implementation level.</li> <li>■ State of impunity has been increasing due to lack of impartial prosecution and non-implementation of the court decisions.</li> </ul>	<ul style="list-style-type: none"> <li>■ The Commission jointly with the then Nepal Office of the United Nations High Commissioners on Human Rights (OHCHR) had sought attention of the government by publishing concept paper on withdrawal of criminal cases and impunity.</li> </ul>

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THEMATIC ISSUES	RECOMMENDING STATES AND COMMITMENT	CONCLUSIONS AND RECOMMENDATIONS	STATUS OF IMPLEMENTATION	NHRC INITIATIVES
Violence	Japan, Australia (Accepted)	<ul style="list-style-type: none"> <li>■ 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,</li> </ul>	<ul style="list-style-type: none"> <li>■ Especially in the human rights violation cases happened during armed conflict, the Nepal Army mentioned that it has been initiating action against perpetrators; however, it is found that the Nepal Army has not been cooperating to the courts to present the alleged culprits before the courts pursuant to the court decision including the recommendations of the NHRC.</li> </ul>	<ul style="list-style-type: none"> <li>■ The Commission has issued letter to the Government and raised serious concern on the GoN's decision to withdraw the criminal cases arguing such activities are against international standards of human rights. NHRC has recommended to the Government to correct the decision and prosecute the persons involved in serious human rights violation during and after the period of armed conflict.</li> <li>■ The commission has been continuously drawing attention of Government and political parties regarding increasing impunity in the country. In this regard, publications and workshops, interactions, meetings, discussion programs at different levels have been organized in coordination of Civil Society.</li> </ul>
		<ul style="list-style-type: none"> <li>■ Introduce comprehensive legislation and more stringent enforcement of existing laws in the areas of domestic violence towards women and human trafficking,</li> <li>■ Adopt effective measures to guarantee the protection of victims of gender violence, duly investigate allegations and ensure that those responsible be prosecuted and sanctioned,</li> </ul>	<ul style="list-style-type: none"> <li>■ The Act on Domestic Violence (Control and Punishment) 2066 ad its regulation- 2067 have been enacted. Under these laws, cases of gender based violence have been investigated by the National Women Commission and Nepal Police in order to protect the human rights of victims. In this regard, the National Women Commission has been advocating to include the domestic violence cases in states cases (schedule-1).</li> <li>■ Likewise, Human Trafficking Control Act, 2064 ant its regulation have been implemented.</li> </ul>	<ul style="list-style-type: none"> <li>■ NHRC has been working against human trafficking through office of rapporteur on human trafficking. The office of the rapporteur has been publishing national report on human trafficking especially on women and children every year.</li> </ul>

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THEMATIC ISSUES	RECOMMENDING STATES AND COMMITMENT	CONCLUSIONS AND RECOMMENDATIONS	STATUS OF IMPLEMENTATION	NHRC INITIATIVES
		<ul style="list-style-type: none"> <li>■ Ensure that the cases of violence against women and girls are duly investigated,</li> <li>■ Take measures to guarantee effective access to justice and protection for women victims of gender based violence,</li> <li>■ Fight trafficking in persons, prosecute perpetrators and provide protection and compensation to victims,</li> <li>■ Introduce comprehensive legislation and more stringent enforcement of existing laws in the areas of domestic violence towards women and human trafficking,</li> <li>■ Strengthen the implementation of its Human Trafficking and Transportation (Control) Act 2007 and its Regulation 2008,</li> <li>■ Develop a comprehensive legal framework to protect children from trafficking,</li> <li>■ Combat human trafficking and forced prostitution in particular of children</li> <li>■ Further strengthen law enforcement and the judicial system in the efforts to address impunity, prevent domestic violence, and to protect women and from trafficking as well as physical and sexual exploitation</li> <li>■ Develop a National Action Plan on ending violence against women and children.</li> </ul>	<ul style="list-style-type: none"> <li>■ GoN has implemented Sex and Gender Based Violence and Gender Empowerment Strategy and Work Plan (2069/70-2073/74).</li> <li>■ Sexual Exploitation Control of Women workers working in the places like Dance Restaurant and Bar Guidelines enacted by Supreme Court of Nepal and Immigration Act, 2049; Foreign Employment Act, 2064 and Regulation-2064 have been in implementation.</li> <li>■ National Women Commission has recommended to the Government to review the relevant laws to ensure action against culprits of rape cases and compensation to the victims. In addition, the NWC has also recommended to amend 35 days limitation to file cases on rape cases by studying the rape related laws. In addition, the NWC has recommended to establish the desk together with district units to address Gender Based Violence cases.</li> <li>■ The Ministry of Women, Children and Social Welfare has prepared National Action Plan against human trafficking. The Action Plan has prioritized five specific areas including prevention, protection, prosecution, capacity development of concerned institutions.</li> <li>■ For the purpose of prevention of violence against women and children, National Child Welfare Committee has established Child Help Line in 14 districts and Women Service Center in 15 districts with an aim to expand it to all 75 districts across the country.</li> <li>■ Thousands of trafficked persons are living slavery like life abroad. Trafficking in women and children and human smuggling are major problems of Nepal. The Government has launched various programs against human trafficking in coordination with civil society; however these programs are not sufficient to address the problem.</li> <li>■ Human Trafficking related Act 2007 and Regulation 2008 have been implemented however its implementation is not effective due to various reasons like delay in justice delivery.</li> </ul>	<ul style="list-style-type: none"> <li>■ From its monitoring, NHRC found that the incidents on violence against women have been increasing day by day. Therefore, the Commission has recommended to the Government to conduct awareness programs against domestic violence and take action against the perpetrators and provide reasonable compensation to the victims.</li> <li>■ Various Programs about discrimination and exploitation against women are being organized.</li> <li>■ Recommendation are sent to the Government for the protection of rights of victims of gender based violence through monitoring and investigation of the cases.</li> <li>■ The Commission is preparing for the publication of national report on the situation of women's rights.</li> </ul>

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THEMATIC ISSUES	RECOMMENDING STATES AND COMMITMENT	CONCLUSIONS AND RECOMMENDATIONS	STATUS OF IMPLEMENTATION	NHRC INITIATIVES
Gender Equality	Egypt, Philippines, Singapore, Azerbaijan, New Zealand (Accepted)	<ul style="list-style-type: none"> <li>■ Continue its efforts to ensure gender equality,</li> <li>■ 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,</li> <li>■ Continue putting forward intensive efforts in order to eliminate violence against women and boost their participation in political and administrative decision-making,</li> <li>■ Implement measures to encourage women to undertake legal training and facilitate their entry into the judiciary</li> </ul>	<ul style="list-style-type: none"> <li>■ It is learnt that the Nepal Law Commission has been reviewing the laws related to women.</li> <li>■ State mechanisms have been working to ensure gender equality. Special mechanism has been established in the Office of the Prime Minister and Office of the Council of Ministers to address the cases of sex and gender based violence. Despite the concerted efforts made continuously by the state mechanisms, the progress to achieve gender equality is insufficient.</li> <li>■ In order to increase participation of women in judiciary training programs to women on entry examination has been conducted.</li> <li>■ In the public service examination, there is provision of reservation laid out for marginalized and backward groups and Janajati, Madheshi, and Women.</li> <li>■ It is learnt that the Government all set to make an initiative for inclusiveness in employment.</li> </ul>	
Gender Equality, Rights of LGBTI People	United States of America, Norway, New Zealand (Accepted)	<ul style="list-style-type: none"> <li>■ 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,</li> <li>■ Take steps to ensure non-discrimination based on sexual orientation and gender identity including in the proposed civil and criminal laws,</li> <li>■ Implement fully the Supreme Court decision regarding sexual and gender minorities,</li> </ul>	<ul style="list-style-type: none"> <li>■ The Government has amended Citizenship related Regulation to provide Citizenship to Third Gender Citizens with their identity. In this regard, the Government also enacted Guidelines to manage Citizenship distribution procedures. Now, the third gender Citizens have been provided with Citizenship with their identity. However there is still problem to amend the citizenship to those persons who had already got Citizenship with an identity of male or female.</li> <li>■ LGBTI people are being discriminated in several ways. NHRC has recorded the cases of mistreatment by Police in Kathmandu.</li> <li>■ The Government has formed Working Group to provide report on same sex marriage; however the problem of same sex marriage has not been solved because the Working Group has not submitted its report.</li> </ul>	<ul style="list-style-type: none"> <li>■ The Commission has been investigating and monitoring the cases of discrimination and misbehavior treated against LGBTI People.</li> <li>■ The Commission has contributed as an active member to the Same Sex Marriage Committee</li> </ul>

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THEMATIC ISSUES	RECOMMENDING STATES AND COMMITMENT	CONCLUSIONS AND RECOMMENDATIONS	STATUS OF IMPLEMENTATION	NHRC INITIATIVES
Rights Against Discrimination	<p>Argentina, Poland, Denmark, Bolivia, Czech Republic, Vietnam, United States of America, Myanmar, Algeria, Morocco, Cuba, Malaysia, Pakistan, Hungary, Singapore, Japan, Pakistan, Algeria, Sweden, Netherland, Germany, Austria, United Kingdom, Norway (Accepted)</p>	<ul style="list-style-type: none"> <li>■ 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,</li> <li>■ Take the necessary legal and policy measures to end discrimination, including against women, children and Dalits,</li> <li>■ Criminalize discrimination based on caste, gender, religion, ethnicity, political belief or disabilities,</li> <li>■ Ensure that the new labor legislation includes provisions prohibiting discrimination both in the employment and the recruitment procedures, as set out in ILO Convention No. 111,</li> <li>■ Eliminate all forms of discrimination and pass the bill on caste-based discrimination and untouchability,</li> <li>■ Continue realizing the necessary efforts to eradicate all forms of discrimination, through the implementation of commitments it undertook with CERD,</li> <li>■ 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,</li> </ul>	<ul style="list-style-type: none"> <li>■ The Government has been working to ensure civil, political, economic, social and cultural rights of marginalized and excluded group of people due to sex, gender, caste, class, disability, geography and ethnicity. However there are still a lot of things to do towards solving the problem of formidable practice of discrimination.</li> <li>■ The Government has made law and policies to address discrimination against Dalit Community. In this regard, Discrimination in Caste and Untouchability (Crime and Punishment) Act, 2068 has been enacted.</li> <li>■ The status of implementation of law including plans and policies is found very poor. The state ought to embark upon facilitating necessary access for the backward class of the society by enacting programs and ensuring their participation in state sponsored endeavors and programs.</li> <li>■ The trend of untouchability against Dalit people has been decreasing gradually. However, due to lack of effective implementation of law and awareness it has been still prevailing in the society.</li> <li>■ The Government has implemented policy to provide One Hundred Thousand Rupees to the couple who got marriage between Dalit and non-Dalit. Activities of despising, forceful separation, entrapping in fake case and exclusion from society to those who married with dalit people are pervasive as a common trend in society.</li> <li>■ The Administration has been found focused in reconciliation rather than prosecution against culprits involved in act of racial discrimination. Therefore, there are very few people who underwent punishment in comparison to the numerous cases of racial discrimination.</li> </ul>	<ul style="list-style-type: none"> <li>■ The Commission has been providing its advisory inputs on relevant laws, regulation and policies in order to make them human rights friendly.</li> <li>■ Various programs like interactions, workshops, and discussion have been organized for advocacy for equality and non-discrimination.</li> <li>■ The Commission has been recommending for ending discrimination by conducting monitoring and investigation on registered cases on the basis of suo-moto actions. For instance, the Commission has recommended to the Government for prosecution to the culprits and compensation to the victims in the case of Battery against Dalit people in Doti district because of entering in the temple called Chandannath temple</li> <li>■ The Commission has been continuously advocating to ensure the rights of women, Dalit and Indigenous people according to international standards. In this regard, recommendations have been made by reviewing the relevant laws.</li> </ul>

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THEMATIC ISSUES	RECOMMENDING STATES AND COMMITMENT	CONCLUSIONS AND RECOMMENDATIONS	STATUS OF IMPLEMENTATION	NHRC INITIATIVES
Rights of Indigenous Janajati People	Malaysia (Accepted)	<ul style="list-style-type: none"> <li>■ 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,</li> <li>■ That cases of caste-based discriminations be reported, investigated, perpetrators prosecuted and victims of such violence are compensated,</li> <li>■ 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,</li> <li>■ Take prompt and effective measures to safeguard the equal enjoyment of human rights by all, and to combat discrimination in all its forms,</li> <li>■ Conduct thorough and impartial investigation into allegations that the police or any person of the justice system has taken part in discriminatory actions,</li> <li>■ 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</li> </ul>	<ul style="list-style-type: none"> <li>■ The Racial Discrimination and Untouchability (Crime and Punishment) Act, 2068 has defined acts of discrimination against caste and religion as a crime. According to the Act, person involved in such crime may get punishment of three months to three years imprisonment and RS One Thousand to Twenty Five Thousand as penalty. However, the law has not criminalized discrimination against sex, political beliefs and disability.</li> </ul>	<ul style="list-style-type: none"> <li>■ The Commission has also recommended to the Government for the protection of human rights through efforts made on religious harmony and social cohesion among communities and also through maintaining the condition of non-interference to any religious practices.</li> </ul>
			<ul style="list-style-type: none"> <li>■ Public Service Act has the provision of inclusion of backward people including indigenous people. In this regard, the Act has reserved 45 percentage seats for women, indigenous people, dalits Madhes and backward area. The Government has been working for enacting Inclusion Act, however the process has been hampered due to dissolution of Parliament.</li> </ul>	

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THEMATIC ISSUES	RECOMMENDING STATES AND COMMITMENT	CONCLUSIONS AND RECOMMENDATIONS	STATUS OF IMPLEMENTATION	NHRC INITIATIVES
Economic, Social and Cultural Rights	Cambodia, Azerbaijan, Russian Federation, Maldives (Accepted)	<ul style="list-style-type: none"> <li>■ 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,</li> <li>■ 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,</li> <li>■ Improve food safety of vulnerable groups, particularly indigenous people, former bonded laborers, Dalits, Muslims, persons with disabilities and those who are infected with HIV/AIDs,</li> <li>■ Continue pursuing and enhancing housing programmes, which appear to have yielded good results,</li> <li>■ 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,</li> <li>■ Protect its citizens from labour exploitation at home and abroad by providing improved regulation and oversight of workplace practices</li> </ul>	<ul style="list-style-type: none"> <li>■ The state mechanism has not given adequate attention to protect economic, social and cultural rights. People in rural areas are particularly affected by this, are dying due to starvation and easily preventable diseases like diarrhea.</li> <li>■ The basic economic and social rights have not been available for the public due to widespread corruption, lack of good governance and accountability.</li> <li>■ The Government has declared abolition of some traditional forms of labor exploitation. However, such traditions are not completely abolished due to the lack of proper implementation of programs to manage and rehabilitate such bonded laborers. The Government has declared abolition of some forms of slavery (types of bonded laborers like Kamaiya, Haliya, Kamalari), however, in practice a large number of poor people are still working in such forms of labor.</li> <li>■ The Government has enacted guidelines for providing education to Kamalari having provisions of scholarship for Kamalaris.</li> <li>■ The Government could not enact the law ensuring minimum wage for labor work in the informal sector. Large numbers of laborers including children have fallen the victims of labor exploitation. The Commission has recorded some cases of suicide of domestic workers especially by women domestic workers working in urban areas.</li> <li>■ The Government mentioned that more than fifty thousand people have got employment/self-employment through the cooperatives and it has contributed to economic empowerment of people by providing freedom from hunger and poverty. However the money invested by the people in such cooperatives has been swindled and is insecure due to either forgery or lack of effective monitoring of Government on such practice or high rate of interest.</li> </ul>	

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THEMATIC ISSUES	RECOMMENDING STATES AND COMMITMENT	CONCLUSIONS AND RECOMMENDATIONS	STATUS OF IMPLEMENTATION	NHRC INITIATIVES
		<ul style="list-style-type: none"> <li>■ Continue applying the strategies and plans for socio-economic development of the country,</li> <li>■ 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,</li> <li>■ Step up its efforts to reduce poverty, particularly rural poverty,</li> <li>■ Continue its efforts to combat poverty and ensure sustainable development,</li> <li>■ Continue implementing the necessary economic measures to eradicate poverty, allowing all the Nepalese population a life with dignity,</li> <li>■ 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,</li> <li>■ 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,</li> </ul>	<ul style="list-style-type: none"> <li>■ In the recent days the Government has started to monitor some cooperatives. The Government has mentioned that it has monitored 155 Cooperatives and has planned to monitor 566 Cooperatives and has planned to monitor 566 Cooperatives having more than Fifty Million Rupees cash in this fiscal year.</li> <li>■ Large numbers of young people have been migrating to work abroad due to the lack of employment opportunity in the country. The initiation of the Government to protect rights of those migrant workers is completely insufficient. In many cases, the Government has to facilitate to ensure insurance of deceased migrant citizens and it takes months to bring dead bodies back home. Human Smuggling has been increasing during the process of foreign employment.</li> <li>■ Mainly the migrant laborers working in informal sector has been in vulnerable situation due to labor exploitation and insecurity. The situation of women working in such sector is more vulnerable. In this regard GoN ought to pay attention by implementing special programs and enhance monitoring.</li> <li>■ It is found that Nepal is in the position to achieve almost all targets of Millennium Development Goals (MDG).</li> <li>■ The GoN has been found to be working to identifying data of poor people. For this purpose the Government has launched survey to identify poor families by distributing thirteen hundred thousand forms in twenty four districts with an aim to extend the survey in remaining districts.</li> <li>■ The Government has mentioned that the percentage of poverty is 23.8% and it has a plan to limit it by 18% in the period of three years. Despite the decrement of poverty in total population, status of sectorial poverty has been challenging; Karnali Zone and Far western Region have a higher level of poverty than the national average. In addition percentage of poverty in Dalit people and backward community is very high.</li> </ul>	

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THEMATIC ISSUES	RECOMMENDING STATES AND COMMITMENT	CONCLUSIONS AND RECOMMENDATIONS	STATUS OF IMPLEMENTATION	NHRC INITIATIVES
		<ul style="list-style-type: none"> <li>■ 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</li> </ul>	<ul style="list-style-type: none"> <li>■ The Government failed to deliver its development plans, policies and also endorse full budget due to dispute among the political parties regarding the formation of government. This even left the activities related to economic development and poverty alleviation programs severely affected.</li> <li>■ Economic and social development of grassroots level was left in lurch apparently without meeting most of Millennium Development Goals (MDGs) owing to the failure of holding the general election of local bodies due for the last 15 years.</li> <li>■ Also, the pervasive widespread corruption is one of the major challenges for economic and social development of the country. According to the report of Transparency International-2012 Nepal ranks 139th position in the Corruption Index.</li> </ul>	
	Finland (Will Examine)	<ul style="list-style-type: none"> <li>■ Prepare a specific plan to ensure that the Nepal Lands Act will in practice effectively promote equality</li> </ul>	<ul style="list-style-type: none"> <li>■ The Commitment of Government and Political parties about elimination of feudalistic land ownership system has not been implemented in practice. The Government has failed to implement the recommendations of the Land Reform Commission and Commission to Solve the Problems of Landless People.</li> </ul>	
Rights to Education	Hungary, Norway, Finland, Slovakia, Turkey (Accepted)	<ul style="list-style-type: none"> <li>■ Expand its School Feeding Programmes and use locally sourced food,</li> <li>■ Continue efforts to ensure that primary education becomes free and compulsory for all children,</li> <li>■ Ensure that all girls, Dalit children and children belonging to ethnic minorities have equal access to quality education,</li> <li>■ Ensure that education is free and compulsory, with special focus on the enrolment of girls in schools,</li> </ul>	<ul style="list-style-type: none"> <li>■ The Ministry of Education has launched Food for Education Program in selected areas since long. However the program has merely covered a very small part of the country.</li> <li>■ Despite the continuous program of Government for compulsory and free education, the education in Government Schools has not been made completely free.</li> <li>■ Children who are out of families and from Dalit and Janajati community are deprived of easy access to quality education.</li> </ul>	

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THEMATIC ISSUES	RECOMMENDING STATES AND COMMITMENT	CONCLUSIONS AND RECOMMENDATIONS	STATUS OF IMPLEMENTATION	NHRC INITIATIVES
Child Rights	Algeria, Slovakia, Egypt, Philippines, Austria, Azerbaijan, Bhutan, Hungary, Spain, Poland, Maldives, Canada (Accepted)	<ul style="list-style-type: none"> <li>■ 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</li> <li>■ 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,</li> <li>■ 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,</li> </ul>	<ul style="list-style-type: none"> <li>■ Nepal has implemented the Program on Education for All until 2015. In this regard, school enrolment rate has reached to 95.1%. However due to dropouts problem, the percentage of children who complete their school education is still low. Enrolment rate of Children from Dalit, Janajati and minority community is comparatively low.</li> <li>■ The Government has implemented the separate policy on enrolment of girl children in school. Subsequently the enrolment of girl children has been increasing gradually in recent days.</li> </ul>	<ul style="list-style-type: none"> <li>■ NHRC has recommended the Government to amend the draft bill on Child Rights to make the law in line with international standards.</li> <li>■ NHRC has recommended on child rights violation casesthrough investigation and monitoring on related incidents and the de facto situation of child rights.</li> </ul>
		<ul style="list-style-type: none"> <li>■ Allocate sufficient resources for the effective implementation of the National Plan of Action for Children</li> <li>■ 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,</li> <li>■ 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,</li> </ul>	<ul style="list-style-type: none"> <li>■ The draft of Child Rights related Act has not been enacted because of dissolution of the Parliament.</li> <li>■ The Government has enacted National Children Policy 2012. The Policy has incorporated various activities relating to survival, protection, development and participation of children. However its implementation is found very poor.</li> <li>■ Despite the policy of free education in Government Schools, some Public Schools are imposing fees on the parents under various titles. The number of private schools have been increasing because of lack of quality education in public schools. It is found that delivery of quality education by public schools has been affected due to lack of accountability, recourse crunch and traditional teaching methodology. Subsequently, there is cleavage between the rich and poor due to the quality education provided in private schools.</li> </ul>	

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THEMATIC ISSUES	RECOMMENDING STATES AND COMMITMENT	CONCLUSIONS AND RECOMMENDATIONS	STATUS OF IMPLEMENTATION	NHRC INITIATIVES
		<ul style="list-style-type: none"> <li>■ Ensure that any form of violence against children and child recruitment becomes punishable under domestic law,</li> <li>■ Intensify efforts for the effective and rapid social and educational reintegration of child soldiers who remain in military camps,</li> <li>■ Implement the Child Rights Act 1990 strictly,</li> <li>■ Strengthen implementation of its Child Labour (Protection and Regulation) Act 1999,</li> </ul>	<ul style="list-style-type: none"> <li>■ Large number of children are still out of school due to lack of implementation of compulsory education program.</li> <li>■ Incidents of sexual exploitation against children have been recorded through the monitoring of human rights situation by the NHRC.</li> </ul>	<ul style="list-style-type: none"> <li>■ NHRC has provided suggestions on Child Protection Policy prepared by Ministry of Women, Children and Social Welfare. In addition, NHRC has recommended to the GoN to implement Child Protection Policy in all the schools.</li> <li>■ NHRC has been publishing the National Report on situation of Child Rights every year.</li> <li>■ NHRC has provided suggestions in Periodic Report to be submitted by Nepal in Child Rights Committee.</li> <li>■ The Commission has recommended the Government in June, 2008 for discharging the child combatants from the Cantonments of the then CPN-M and to ensure rehabilitation, reintegration and social reunion and also to provide education, vocational training and employment to such combatants.</li> </ul>
	Thailand (Will Examine)	<ul style="list-style-type: none"> <li>■ Ensure that children of internally displaced persons, refugees, asylum-seekers and their families enjoy the right to health, education and birth registration without discrimination</li> </ul>		

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THEMATIC ISSUES	RECOMMENDING STATES AND COMMITMENT	CONCLUSIONS AND RECOMMENDATIONS	STATUS OF IMPLEMENTATION	NHRC INITIATIVES
Rights of Disabled People and Vulnerable People	Cuba, Chile (Accepted)	<ul style="list-style-type: none"> <li>Redouble efforts to promote and protect the rights of vulnerable groups such as children, women, people with disabilities and aged persons,</li> <li>Implement National Plan of action to eradicate discrimination against person with disability,</li> <li>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,</li> <li>Ensure, without any discrimination, the rights of people with disabilities and others belonging to vulnerable groups, such as women and children</li> </ul>	<ul style="list-style-type: none"> <li>Senior Citizen related Act, 2068 has been enacted. The provision of the Act regarding fifty percentage discounts in public transportation has not been implemented in practical term. The Government Hospital has begun to provide fifty percentage discounts in health treatment of senior citizens.</li> <li>The Government has not been paying any attention to the protection of dignity and rights of mentally disabled people. Some of the mentally ill people have been detained in jail without proper treatment. Especially such persons have been detained in Dhulikhel Jail( adjacent district to Kathmandu ) in Kavrepalanchok district without proper medical treatment provided to them.</li> <li>The GoN has ratified the Disability related Convention and also has been preparing policies of positive discrimination. However situation of enjoyment of rights of persons with disability in all sectors has not been materialized yet. The government informed that it is going to enact the National Plan of Action for the protection of rights of the persons with disability.</li> </ul>	<ul style="list-style-type: none"> <li>The Commission has recommended for removing the words which are against dignity of persons with disabilities from Tribhuban University Management and Education Administration Regulation, 2050 by reviewing the law accordingly.</li> <li>The Commission has recommended the Government to construct disabled friendly infrastructures. The Commission has been organising advocacy programs for better protection of human rights of persons with disability and senior citizens.</li> </ul>
	New Zealand (Will Examine)	<ul style="list-style-type: none"> <li>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</li> </ul>	<ul style="list-style-type: none"> <li>In this regard, the GoN has informed about the program that ensures the participation of persons with disability. However, NHRC could not receive any information of implementation of such programs until this day.</li> </ul>	
National Human Rights Commission	Canada, France, Norway, India, Republic of Korea (Accepted)	<ul style="list-style-type: none"> <li>Strengthen the National Human Rights Commission (NHRC) to enable it to maintain its A-status accreditation</li> </ul>	<ul style="list-style-type: none"> <li>The Government has not fulfilled its commitment to strengthen the infrastructures of the NHRC. The Government ought to work together with NHRC to implement Paris Principles fully.</li> </ul>	<ul style="list-style-type: none"> <li>The Commission has been drawing attention of the Government and Political Parties to ensure full independence and autonomy of the Commission in line with Paris Principles.</li> </ul>

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THEMATIC ISSUES	RECOMMENDING STATES AND COMMITMENT	CONCLUSIONS AND RECOMMENDATIONS	STATUS OF IMPLEMENTATION	NHRC INITIATIVES
National Human Rights Commission	Canada, France, Norway, India, Republic of Korea (Accepted)	<ul style="list-style-type: none"> <li>■ 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</li> <li>■ Promptly implement all recommendations put forward by the National Human Rights Commission regarding prosecutions and/or departmental actions against alleged human rights violators</li> <li>■ Restore the independence and mandate of the NHRC in line with the Paris Principles</li> <li>■ Provide the NHRC with adequate funding and autonomy to ensure that the Commission can properly fulfil its mandate.</li> </ul>	<ul style="list-style-type: none"> <li>■ The commitments made by the Prime Minister for strengthening NHRC in the UN General Assembly and programs organized by NHRC have not been implemented properly. In addition, most recommendations of NHRC have not implemented in full.</li> <li>National Human Rights Commission-2068 has been enacted. The Act has covered major provisions of Paris Principles. However it is necessary to review some provisions of Act to make the Commission more independence and autonomous. The Act has not included the provisions of previous Act relating to autonomy and independence of the NHRC. Several powers of NHRC including staff management, financial administration especially to receive resources from donors without consent of the Government, and independent decision on the structure of the organization have been curtailed.</li> </ul>	<ul style="list-style-type: none"> <li>■ NHRC has recommended the Government and the Parliament to draw the Act relating to NHRC in line with Paris Principles. In this regard, the Commission had organized interaction programs with civil society and government agencies including the sitting Parliamentarians.</li> </ul>
National Human Rights Institutions	Egypt, Bolivia, Slovenia (Accepted)	<ul style="list-style-type: none"> <li>■ Consolidate the national human rights infrastructure,</li> <li>■ 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,</li> <li>■ Provide the National Dalit Commission and the National Women's Commission with sufficient resources to effectively realize their mandates.</li> </ul>	<ul style="list-style-type: none"> <li>■ The Government has mentioned that it has been working for strengthening the National Women Commission and National Dalit Commission by utilizing available resources. However these institutions are discontented with the Government. In addition, separate law relating to Dalit Commission has not been enacted as yet.</li> <li>■ The Government mentioned that it has been providing optimum available resources to the National Women Commission and National Dalit Commission</li> </ul>	<ul style="list-style-type: none"> <li>■ NHRC has been coordinating with National Women Commission and National Dalit Commission at various levels.</li> </ul>
Human Rights Defenders	Czech Republic (Accepted)		<ul style="list-style-type: none"> <li>■ Most freelance journalists haven't been provided with their remuneration as such.</li> <li>■ The police personnel involved in the killing of the National Human Rights Commission staff Daya Ram Pariyarhasn't been booked until this day.</li> </ul>	<ul style="list-style-type: none"> <li>■ Keeping in mind the protection of human rights defenders, the Commission has adopted the Guidelines on the Human Rights Defenders – 2069.</li> </ul>

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THEMATIC ISSUES	RECOMMENDING STATES AND COMMITMENT	CONCLUSIONS AND RECOMMENDATIONS	STATUS OF IMPLEMENTATION	NHRC INITIATIVES
			<ul style="list-style-type: none"> <li>Despite the fact that the GoN has expressed its commitment to introduce special program to ensure for the further protection of the Human Rights Defenders, it hasn't been translated into action.</li> </ul>	<ul style="list-style-type: none"> <li>Federation of Nepalese Journalists (FNJ) and the International Mission of Journalists have been in the discussion on what kind of mechanism can be built for the protection of the journalists.</li> <li>Upon immediately conducting the investigation and monitoring on the incidents of violence against journalists and human rights defenders, the National Human Rights Commission has been incessantly appealing to the GoN to help control the repetition of such act through recommendations and press releases.</li> <li>Advocacy is spearheaded for the protection of the woman human rights defenders.</li> </ul>
	<p>Norway, France, United States (Under consideration)</p>	<ul style="list-style-type: none"> <li>Effectively investigate violations against human rights defenders, including journalists and women rights activists and bring to justice those responsible for such violations</li> </ul>	<ul style="list-style-type: none"> <li>Despite the fact that the GoN has expressed its commitment to introduce special program to ensure for the further protection of the Human Rights Defenders, it hasn't been implemented until today. The situation is such that no action is taken against the political party cadres involved in the attack on journalists due to the political protection provided to those responsible for such attack. No mechanism as such has been developed to investigation on the incidents leading to abate rights violations until today.</li> </ul>	
<p>Internal Displacement and Refugees</p>	<p>Austria and Republic of Korea (Accepted)</p>	<ul style="list-style-type: none"> <li>Establish a monitoring mechanism to ensure the return, rehabilitation and reintegration of internally displaced persons (IDPs)</li> </ul>	<ul style="list-style-type: none"> <li>The government has brought the internal displacement policy 2063 in order to accomplish the activities related to return, reintegration and rehabilitation of the IDPs. Not to mention, the Guidelines on Citizens Relief has also been issued. The Peace Committees have been formed and peace related activities have been accomplished through such committees and yet the activities such as return, reintegration and rehabilitation of IDPs haven't been accomplished in full.</li> </ul>	<ul style="list-style-type: none"> <li>The recommendations have been incessantly sent to the GoN for the relief and compensation including the rehabilitation upon conducting the investigation and monitoring on such incidents.</li> </ul>

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THEMATIC ISSUES	RECOMMENDING STATES AND COMMITMENT	CONCLUSIONS AND RECOMMENDATIONS	STATUS OF IMPLEMENTATION	NHRC INITIATIVES
Collaboration with the International Mechanisms	The Philippines, Japan, Myanmar, Norway, Laos and France ( Accepted )	<ul style="list-style-type: none"> <li>■ Establish a monitoring system for the tabulation, reintegration, identification, protection and respect of the IDPs.</li> <li>■ Make further efforts to implement the recommendations of various treaty bodies</li> <li>■ Continue to seek capacity building and technical assistance in order to pursue its plans for development and promotion of human rights</li> <li>■ 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</li> <li>■ Continue to cooperate with the United Nations and other international organizations to strengthen human rights in Nepal</li> <li>■ Undertake a participatory process in the implementation of the UPR recommendations</li> <li>■ Cooperate closely with the United Nations, in particular with the local Office of the High Commissioner for Human Rights</li> </ul>	<ul style="list-style-type: none"> <li>■ Relief package, travel expenses including loan on consolidated rate of interest have been provided for the rehabilitation of the IDPs. The efforts have been spearheaded for the rehabilitation together with the compensation provision.</li> <li>■ Nepal has been the party to seven of the total nine core Conventions including 24 UN Treaty bodies and Optional Protocols.</li> <li>■ The recommendations made by the UN Committees haven't been implemented satisfactorily</li> <li>■ The efforts have been spearheaded as per the lines furnished in the recommendations in order for strengthening human rights.</li> <li>■ Work Plan has been formulated under participatory mechanism for the implementation of the UPR recommendations. Yet, the UPR recommendations as such haven't been implemented satisfactorily.</li> <li>■ It is learnt that the GoN has been working with the UN and other UN agencies in close and sound coordination.</li> <li>■ The GoN is said to have worked with the Office of High Commissioner for Human Rights ( 2005 – 2012 ) with regard to the contribution of the latter made for the investigation on the incidents of human rights violations during the armed conflict, human rights awareness and the development of institutional capacity. The GoN has been maintaining close and sound relationship with the OHCHR to this day, it is learnt.</li> </ul>	<ul style="list-style-type: none"> <li>■ The National Human Rights Commission has been working in collaboration with the Association of Prevention of Torture / Asia Pacific Forum and OHCHR in order for the protection of human rights.</li> <li>■ Even after the closure of the OHCHR-Nepal Office in December 2012, the Commission has been undertaking its accomplishments in close coordination with it.</li> </ul>
Collaboration with International Mechanisms		<ul style="list-style-type: none"> <li>■ 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</li> </ul>	<ul style="list-style-type: none"> <li>■ The GoN is learnt to have mentioned about the collaboration with the OHCHR while preparing such key instruments. Although the Government has mentioned to take appropriate decision upon actively conducting studies with regard to the effectiveness of the new work procedures, such an initiative hasn't been translated into action as yet.</li> </ul>	

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THEMATIC ISSUES	RECOMMENDING STATES AND COMMITMENT	CONCLUSIONS AND RECOMMENDATIONS	STATUS OF IMPLEMENTATION	NHRC INITIATIVES
		<ul style="list-style-type: none"> <li>■ Share experiences and good practices with other countries in areas of development and protection of human rights.</li> </ul>		
	Spain, the Maldives, Chile, Brazil, ( Under consideration )	<ul style="list-style-type: none"> <li>■ Extend a standing invitation to all special procedures</li> <li>■ Extend a standing invitation to United Nations special procedures</li> <li>■ Strengthen its cooperation with human rights special procedures and consider issuing a standing invitation</li> <li>■ 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</li> <li>■ 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</li> <li>■ 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</li> </ul>	<ul style="list-style-type: none"> <li>■ Nepal has welcomed several special procedures and special rapporteurs. Despite the fact that the commitment made with green signal to establish a mechanism under the purview of the Office of the Prime Minister and Council of Ministers in order to respond immediately to extend a standing invitation to the special procedures on the basis of the case in an appropriate time, it hasn't been materialized as such.</li> </ul>	
Ratification and signing of the treaties	In the process of implementation	<ul style="list-style-type: none"> <li>■ Ratify the Optional Protocol to CRC on the involvement of children in armed conflict</li> </ul>	<ul style="list-style-type: none"> <li>■ Nepal is the party to this Protocol</li> </ul>	<ul style="list-style-type: none"> <li>■ Following the ratification of the Protocol, the Commission has commenced its monitoring.</li> </ul>

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THEMATIC ISSUES	RECOMMENDING STATES AND COMMITMENT	CONCLUSIONS AND RECOMMENDATIONS	STATUS OF IMPLEMENTATION	NHRC INITIATIVES
Ratification and signing of the treaties	Germany (Under consideration)	<ul style="list-style-type: none"> <li>■ Ratify Rome Statute</li> </ul>	<ul style="list-style-type: none"> <li>■ The reinstated parliament has issued a directive to the GoN to ratify the Rome Statute. However, the GoN is of the view that it would ratify the Rome Statute only when appropriate foundation is built upon the passage of the ordinances related to penal code including the criminal code procedures with legal status provided to these. Conversely, it is found that adequate home work is not done in this regard as yet.</li> </ul>	<ul style="list-style-type: none"> <li>■ Although the Commission has sent the recommendations to the GoN for the ratification of the Rome Statute, the GoN including the political parties appears oblivion in this regard.</li> </ul>
National Human Rights Action Plan	China, Russian Federation, Egypt (Accepted)	<ul style="list-style-type: none"> <li>■ 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</li> <li>■ Fully implement its National Plan of Action for human rights and its plans of actions to implement various human rights conventions and treaties</li> <li>■ Design programmes for the implementation of its human rights action plan</li> </ul>	<ul style="list-style-type: none"> <li>■ National Human Rights Action Plan( NHRAP) has been formulated. The GoN has also introduced National Five Year Strategy and Work Plan ensuring to end gender violence and to give a boost to the gender empowerment. The objectives of this Strategy and Work Plan are to address the woman in National NHRAP, to reform law related to the children and women under social welfare as per the international standard, to end the gender violence, to protect the rights and liberties of women, to protect and promote the fundamental freedom of the persons with disabilities, to ensure maximum access to the natural and economic resources and to ensure social security and human rights. However, these are not yet implemented as per the Commitments expressed by the GoN and the recommendations sent by the work groups.</li> <li>■ Although the NHRAP is implemented by the GoN, the implementation status towards the end of the third year of the Plan is learnt to have remained acutely deficient because the center, regional and local level implementing agencies are said to have been inadequately informed about it.</li> <li>■ The monitoring system is found to be by far ineffective.</li> <li>■ It is deemed necessary that the GoN also involve the stakeholders for conceiving the new NHRAP to be implemented beginning Fiscal Year 2070/71 with an aim to address the existing problems related to human rights. The extensive programs are necessary among the implementing agencies for their capacity development</li> </ul>	<ul style="list-style-type: none"> <li>■ The Commission has been conducting monitoring whether or not the NHRAP is implemented</li> <li>■ It has been unveiled through the monitoring that the district level authorities/stakeholders to implement the work plan haven't been adequately informed about the NHRAP.</li> </ul>

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THEMATIC ISSUES	RECOMMENDING STATES AND COMMITMENT	CONCLUSIONS AND RECOMMENDATIONS	STATUS OF IMPLEMENTATION	NHRC INITIATIVES
			<ul style="list-style-type: none"> <li>■ The decision was drawn in the meeting held on 2067/7/25 in the Office of the Prime Minister and Council of Minister that Ministries of the GoN would implement the NHRAP with due priority. The concerned ministries would include the NHRAP implementation expenses in their annual budget. Likewise, the ministries would submit the monthly, quarterly and half yearly report to the OPM within the prescribed timeframe and the OPM would conduct or cause to conduct regular monitoring on the implementation status of the NHRAP.</li> <li>■ Following this, the meeting of the Work Plan Implementing and Monitoring Committee had been held from time to time to assess the implementation status. It was found that the implementation of the NHRAP was apparently ineffective.</li> <li>■ Overall, with the extremely weak implementation of the NHRAP, the implementation of plan to address the discrimination against women and protection of the persons with disabilities also remained bleak within the Plan.</li> </ul>	
National Child Rights Action Plan		<ul style="list-style-type: none"> <li>■ Strengthen the resources allocated to the implementation of the adopted National Action Plan for children for the period 2005-2015</li> </ul>	<ul style="list-style-type: none"> <li>■ Owing to the inadequate resources, the NHRAP related to children could not be implemented effectively</li> </ul>	
Human Rights Education	Saudi Arabia (Accepted )	<ul style="list-style-type: none"> <li>■ 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</li> </ul>	<ul style="list-style-type: none"> <li>■ The Government has included the matters of human rights concerns while formulating the programs and policies to certain extent. It is, however, expected that more and more HR concerns are included in the PLAN. The incorporation of human rights education in the public schools throughout the country has begun. It is also necessary that such a holistic endeavor is taken to the private schools as well.</li> <li>■ The Commission has been providing its advisory and suggestions on the policies and programs prior to their formulation by the Government. The formal learning of human rights education in the school curriculum specially in lower secondary schools got materialized upon the Commission recommended to the Government about it.</li> </ul>	

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THEMATIC ISSUES	RECOMMENDING STATES AND COMMITMENT	CONCLUSIONS AND RECOMMENDATIONS	STATUS OF IMPLEMENTATION	NHRC INITIATIVES
Administration of Justice	United States (Accepted)	<ul style="list-style-type: none"> <li>■ Create mechanisms to end the case backlog at all levels of the judicial system</li> </ul>	<ul style="list-style-type: none"> <li>■ The Supreme court is found to have been engaged in preparing the strategic plan to finalize the cases pending to be decided over upon their registration at the judiciary authority. The work plan has been formulated to classify the cases on the thematic basis in order to expedite dispensing of the decisions over such cases.</li> <li>■ Sadly, the citizens right to get justice in time is disrespected due to the longstanding vacuum following the delay in the appointment of the justices in the apex, appellate and district courts</li> </ul>	<ul style="list-style-type: none"> <li>■ The Commission has been extending its support by establishing the administration of justice unit under its purview for the prompt delivery of justice through the unit</li> </ul>
Right of Freedom	Canada (Accepted)	<ul style="list-style-type: none"> <li>■ Ensure that the right to freedom of assembly is guaranteed and remove all restrictions to peaceful protests</li> </ul>	<ul style="list-style-type: none"> <li>■ The Article 12 of the Interim Constitution of Nepal has provisioned the right of freedom of opinion and expression, freedom to assemble peacefully and without arms, freedom to form political party or organizations, freedom to form unions and associations, freedom to move and reside in any part of Nepal and freedom to practice any profession, or to carry on any occupation, industry as the fundamental rights.</li> <li>■ However, the political parties and their partywings are involved in misusing the right to peaceful assembly by enforcing strikes and vandalism. They are found to manhandle those involved in defying such strikes. At times, the state sponsored security force is found to use excessive force on the peaceful procession.</li> </ul>	<ul style="list-style-type: none"> <li>■ The Commission has been conducting the monitoring on the right to peaceful assembly and right to protest and also providing suggestions to the concerned parties to respect human rights.</li> </ul>
Rights of the protection and promotion of human rights or the rights of freedom	Sri Lanka, Vietnam ( Accepted)	<ul style="list-style-type: none"> <li>■ Continue with its efforts to further accelerate its holistic and multifaceted approach to promoting and protecting human rights and freedoms</li> <li>■ Ensure that the right to freedom of assembly is guaranteed and remove all restrictions to peaceful protests</li> <li>■ The matters concerning human rights internalized during the process of political change would be integrated.</li> </ul>	<ul style="list-style-type: none"> <li>■ In general, the GoN doesn't intervene on the rights to freedom of assembly. The government has declared some of the public places as the restricted zone for organizing protest related events. However, the incidents of excessive force used on protest programs by the government can be witnessed sometimes.</li> <li>■ Nepal seems to internalize the Civil and Political Rights and Economic, Social and Cultural rights in the rapidly changing political scenario.</li> </ul>	

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THEMATIC ISSUES	RECOMMENDING STATES AND COMMITMENT	CONCLUSIONS AND RECOMMENDATIONS	STATUS OF IMPLEMENTATION	NHRC INITIATIVES
			<p>■ To illustrate, Interim Constitution of Nepal 2007 has laid out arrangement concerning the multi-party democratic system, right to vote, right of freedom and security, rights of women, children and the persons with disabilities and specially the right to food, right to employment, right to social security as well as the right to equality and inclusiveness as the fundamental rights of the citizens.</p>	<p>■ The Commission often advocates for the right to peaceful assembly. In the event of unprecedented incidents such as the use of excessive forces on such event, the Commission often conducts the monitoring and if the excessive force is found used during peaceful assembly or any protest program, the recommendations are sent to the Government for the relief and compensations to the victims including the legal action against the accused.</p>

# IMPLEMENTATION STATUS OF THE CONCLUSION AND REJECTED RECOMMENDATIONS



THEMATIC ISSUES	RECOMMENDING STATES AND COMMITMENT	CONCLUSIONS AND RECOMMENDATIONS	STATUS OF IMPLEMENTATION	NHRC INITIATIVES
Ratification and Signing of the Treaties and their implementation	New Zealand, Switzerland, Chile, Maldives, Spain, Sweden, Argentina, Algeria, Moldova, Slovenia Netherlands, Japan, Brazil, Australia	<ul style="list-style-type: none"> <li>■ Ratify the Optional Protocol to the Convention against Torture (OPCAT)</li> <li>■ Ratify the pending principle international human rights treaties, such as the Convention on the Refugees and related Treaty, the International Convention for the Protection of All Persons from Enforced Disappearance (CED) and OP-CAT</li> <li>■ Designate a national preventive mechanism, to safeguard the rights of detainees and to prevent any acts of torture</li> <li>■ Sign and ratify the Optional Protocol of the Covenant on Economic, Social and Cultural Rights and the OP-CAT as well as the CED</li> <li>■ Sign and ratify the Palermo Protocol</li> </ul>	<ul style="list-style-type: none"> <li>■ Nepal was considering the ratification of the Optional Protocol on the Convention against Torture (OPCAT) but it has informed about the preventive mechanism already being in existence.</li> <li>■ Though the OPCAT hasn't been ratified, the OHCHR Nepal used to monitor the prison and detention centers, as mentioned by the GoN.</li> <li>■ Nepal ought to consider ratifying the Refugee and other refugee related conventions but as informed, there already exists preventive mechanism for it. Nevertheless, the Supreme Court of Nepal has issued the directive to the GoN to ratify the Convention against the act of Enforced Disappearance and Convention on the Refugees</li> <li>■ Nepal has expressed its desire to address the Optional Protocol in appropriate time.</li> <li>■ Nepal will take this into consideration to address the Optional Protocol in appropriate time, as informed.</li> </ul>	<ul style="list-style-type: none"> <li>■ The Commission has been advocating and sending recommendations to the GoN for the ratification of these Conventions.</li> <li>■ Earlier, the Commission has sent in the recommendations to the GoN on 2069/8/7 for the ratification of the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families</li> <li>■ The Commission has also been advocating for the ratification of the Optional Protocol of to the Convention.</li> </ul>
Rights of Refugees	United States, Netherlands	<ul style="list-style-type: none"> <li>■ 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</li> <li>■ 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</li> <li>■ Amend legislation to remove all provisions granting security forces or Government officials immunity from prosecution for crimping acts</li> </ul>	<ul style="list-style-type: none"> <li>■ As it is informed, Nepal has not imposed force on the Tibetan Refugees for their return.</li> </ul>	<ul style="list-style-type: none"> <li>■ The Commission has been sending necessary recommendations to the GoN upon conducting monitoring on the issues related to the rights of refugees.</li> </ul>
Law Promulgation and amendment	New Zealand, Canada	<ul style="list-style-type: none"> <li>■ Amend legislation to remove all provisions granting security forces or Government officials immunity from prosecution for crimping acts</li> </ul>	<ul style="list-style-type: none"> <li>■ There is no any legal provision in Nepal for providing the advantage of immunity</li> </ul>	

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THEMATIC ISSUES	RECOMMENDING STATES AND COMMITMENT	CONCLUSIONS AND RECOMMENDATIONS	STATUS OF IMPLEMENTATION	NHRC INITIATIVES
		<ul style="list-style-type: none"> <li>■ Address cases of statelessness in the new Constitution's drafting process</li> </ul>	<ul style="list-style-type: none"> <li>■ GoN has informed that the it has issued directives to the concerned security authorities to launch fair investigation and to prosecute those involved in criminal offences without any undue pressure and prejudices. Contrarily, the monitoring carried out by the Commission has found that having affiliated to the political parties , such persons accused of criminal offenses have been offered immunity either by withholding the lawsuit filed against them or simply via the withdrawal of their cases related to them.</li> </ul>	<ul style="list-style-type: none"> <li>■ Given the fact that there is no and legal provision to grant immunity to the accused, the matrix has been created to grant immunity to such accused. The Commission, therefore, has time and again sent recommendations including directive orders to the Government in this regard.</li> </ul>
Extra Judicial Killing in the Terai	Slovakia  Czech Republic	<ul style="list-style-type: none"> <li>■ 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.</li> </ul>	<ul style="list-style-type: none"> <li>■ The Government has expressed that this issue will be taken under consideration in an appropriate time.</li> <li>■ In the pretext of controlling and preventing the extra-judicial killings in the districts of the Terai, the Government is found to have been concealing such an occurrences in the name of encounter. The Commission has investigated the incident and recommended to the Government but not yet implemented.</li> <li>■ The GoN has informed that it has lately mobilized the security force under security plan in the districts of the Terai in order to control and prevent the criminal offenses of serious nature committed in the name of the political movement and to book those involved in such activities.</li> <li>■ There is a lack of law and policy with regard to the protection of the witness and victims.</li> </ul>	<ul style="list-style-type: none"> <li>■ The Commission has found and investigated on a few incidents of extra judicial killings and sent the recommendations to the Government to take step to impede the repetition of such incidents.</li> </ul>



# CONCLUSION AND RECOMMENDATIONS

The recommendations on Nepal made by various nations focuses mainly on human rights friendly constitution, logical conclusion of peace process, pervasive ill-culture of impunity, transitional justice, institutional improvement, rule of law, child rights, respect for the rights of women and third gender, ensuring the right to equality and right against discrimination, right to life, rights against torture and the matters concerning the right of freedom. Similarly, there commendations were received upon the comprehensive discussion held on the various dimensions of economic, social and cultural rights including right to education, right to health, right to food, rights of labors and the matters related to the poverty all eviation.

The government initiative to formulate the work plan with regard to the implementation of there commendations received can be taken as a positive step. It is found that the laws and policies are conceived on some of the concerns furnished in there commendations. Unfortunately, upon the dissolution of the Constituent Assembly, the implementation part of those recommendation sturned out be extremely weak due to the increasing political instability in the country.

Of late, the political incidents taking place one after another in the country have created challenges to further development of human rights culture. The parliament being defunct at the moment, questions have been raised not only on the principle of separation of power which is considered

as the back bone of the democracy but also on the independence of judiciary following the formation of the government at the leadership of the chief of judiciary at the consensus reached among the major political parties. Similarly, though the consensus is reached between the political parties to hold the CA election, the doubt still looms large whether or not the electionis going totake place in stipulated schedule. Owing to this, there has been the environment of further political instability/impasse letting enough space build for challenges to the protection and promotion of human rights in the country.

The state of impunity in the country is ever deepening its roots without any due improvement for along time now. The rule of law has become extremely feeble. The victims of armed conflict haven't been delivered with justice until today. Like wise, the formation of the transitional justice mechanisms has also been confined with in commitments only. The National Human Rights Commission has provided its advisory inputs on the ordinances brought to form the transitional justice mechanism discovering them in consistent with international standard which appeared with in tent to grant immunity advantage to the persons involved in serious human rights violations. The process of the passage of the ordinances remain spending following the wide spread dissatisfaction expressed by the civil society and interim stay order issued by the Supreme Court. The promulgation of new law and process for the formation of transitional justice have been shadowed.

The issues concerning the wide spread inequality, discriminatory practices and poverty in society haven't been redressed appropriately. The program and policies formulated by the government haven't been able to reach to the target groups. The violence against women has increased while the stringent crime of human trafficking is getting to its height in new form. The rights of child remains full of challenges. Though the government has taken a few initiatives for the education for children, a large number of children are found out of school. Owing to the lack of effective programs launched to control the child labor, adequate improvement in this sector has remained as a distant dream.

It is deemed necessary that the GoN become further serious to implement the recommendations received during the first UPR session at a time when the UPR session is approaching for the second time in 2015 to review the human rights situation in Nepal. For this, The GoN ought to proactively expedite to seek support from the human rights national institutions, civil society and international communities among others.

#### Recommendations:

On the basis of the analysis made on the above, the recommendations are made as furnished below:

- Since the implementation process gained less momentum as it is till the second UPR report session, it is deemed necessary to expedite the implementation process to achieve the desired goal. The necessary mechanisms are required to implement the recommendations received by Nepal in full.
- Appropriate steps ought to be taken to evolve the solutions to the problems of existing political instability, state of impunity and corruption as they are the key challenges facing to implement the recommendations.
- It is also necessary that the CA election be held in stipulated schedule together with the institutionalizing of the achievements made by the Constituent Assembly. Also, human rights friendly constitution be framed through new Constituent Assembly with an end given to the wide spread political instability in the country.
- Provide justice to the victims of conflict by forming the transitional justice mechanisms as soon as possible.
- Make the process of allegation, investigation and judiciary effective by refraining them from the political intervention so as to end the state of impunity.
- Adopt the effective measures and laws to combat the trafficking in persons specially on women and children, the exploitation and violence against women including the gender and racial discrimination.
- Implement in practical term the provisions set forth in the international human rights treaties and conventions to which Nepal is party and avail the report to concerned authorities in time.
- Respect citizens' right to live with dignity through the protection of economic, social and cultural rights and poverty alleviation through Human Rights Based Approach to development.
- Prepare the fourth National Human Rights Action Plan through participatory approach and work out for its effective implementation.
- It is deemed necessary that the political parties and the government altogether show absolute sensitiveness towards human rights since it is impossible to surmount the challenges related to impunity and human rights protection in the absence of political will.
- The government ought to work in close coordination with the government bodies, non-governmental organizations, human rights organizations and agencies including the international community for the smooth implementation of the recommendations.





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