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**17th Regular Session of the UN Human Rights Council
Item 6: Universal Periodic Review (UPR) Plenary on Nepal**

**Oral Statement Delivered by Ms. Pooja Patel on Behalf of
Asian Forum for Human Rights and Development (FORUM-ASIA)**

Tuesday, 7 June 2011

Thank you, Mr. President. FORUM-ASIA delivers this statement on behalf of the Nepal NGO Coalition for UPR¹, the Women's Coalition for UPR and the Durban Review Conference Follow-up Committee, representing hundreds of human rights and civil society organizations in Nepal.

Mr. President, we note the government's plan of action for the implementation of UPR recommendations, which has been integrated into the National Human Rights Action Plan. However, we regret that no consultation took place with civil society groups and affected communities in this process. There is also a lack of clearly-set timeframes in the action plan.

We commend the leadership of the government in ensuring that the historic *Caste-based Discrimination and Untouchability Crime Elimination and Punishment Act* was adopted on 24 May. Nevertheless, we remain concerned that discrimination based on region, ethnicity, caste, disability, sexual orientation and gender identity are deep-rooted in the country and require the sustained efforts and prompt action on the part of the government. Furthermore, gender-based violence remains a serious issue. Between January and March this year there have been 84 documented cases of rape and domestic violence.² The National Women's Commission must be strengthened and, more importantly, we strongly urge the government to take concrete legislative steps to criminalize gender-based violence.

Mr. President, we express our disappointment at the written responses by the government to the UPR recommendations (A/HRC/17/5/Add.1) that existing complaints mechanisms on the conduct of security forces are sufficient and independent. The Penal Code Bill and the Civil and Criminal Code Bill, which were introduced in Parliament recently, are the minimal initiatives for investigating allegations of enforced disappearances and extrajudicial executions. It is crucial for the government to take stronger measures in addressing impunity for the past and ongoing human rights violations, particularly by setting up the Truth and Reconciliation Commission and the Commission of Inquiry on the Disappeared.

In addition, the government of Nepal must exert its serious efforts to ratify a number of human rights treaties including OP-CAT, CPED, ICRMW, OP-ICESCR and the Rome Statute. We urge the government to continue cooperating with the OHCHR through its field presence and extend its standing invitations to all Special Procedures, whose expertise would be extremely useful during the current transition period by providing the "adequate national capacity and preparation" the government claims to be seeking.

Finally Mr. President, we emphasize the government of Nepal must guarantee the protection of human rights defenders. An appointment of a rapporteur in the National Human Rights Commission would contribute to effectively investigating attacks and intimidation on defenders including journalists and women human rights defenders as well as promoting their legitimate work. Thank you, Mr. President.

¹ Nepal NGO Coalition for UPR, Press Statement, "UN's Review on Nepal Outlined Human Rights Challenges Beyond the Peace Process", 25 January 2011

² Informal Sector Service Centre (INSEC), "Trend Analysis: January-March 2011", 16 May 2011

