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**Statement by H. E. Mr. Madhav Prasad Ghimire, Chief Secretary, Office of the Prime Minister and Council of Ministers, Government of Nepal, and the leader of the Nepali delegation to the 17th Session of the Human Rights Council at the adoption of the Universal Periodic Review (UPR) Outcome Report on Nepal on Tuesday, 7 June 2011, Geneva.**

**Mr. President,**

**Your Excellencies,**

**Distinguished Delegates,**

**Ladies and Gentlemen.**

I have the honor to represent the Government of Nepal to the 17th Session of the Human Rights Council at the adoption of the Report of the Working Group on the Universal Periodic Review on Nepal.

On behalf of my delegation and on my own, I congratulate you Mr. President for your exemplary leadership of the Council.

I would like to express profound appreciation to States, the Working Group for UPR, delegations and national human rights institutions for their constructive engagement in the Universal Periodic Review of Nepal. We thank them for their comments, suggestions and recommendations. We believe that their contributions have immensely enriched the process.

I would also like to thank the civil society at home and abroad for their inputs and suggestions.

**Mr. President,**

Nepal considers the Universal Periodic Review mechanism as an important process to chart out a course for the better protection and promotion of human rights around the world. This makes us constructively engaged with the UPR process and all other international human rights mechanisms including the field office of High Commissioner for Human Rights.

Today, I would like to update the Council on what the Government of Nepal has done since the UPR Working Group meeting; how we plan to address the recommendations received during the UPR and where our positions stand on specific recommendations. We have separately submitted our responses to

36 recommendations that we pledged to examine and provide comments thereon. The submissions have been issued as addendum to the Working Group report.

Nepal received 135 recommendations and has accepted a majority of them. The Government of Nepal (GON) values all recommendations and has streamlined or is in the process of streamlining its policy, legal and institutional measures to implement these recommendations.

**Mr. President,**

It has been 132 days since the Interactive Dialogue on Nepal's Universal Periodic Review was held at this Council in January. I would like to share some of the important measures taken by the GON to date.

The GON widely disseminated all 135 recommendations contained in the Draft Report both at central and local levels in national language to educate the common people about the importance of recommendations contained in the Report for advancing the respect for human rights in the country.

We continue to remain engaged in constructive dialogue with all stakeholders. We arranged several rounds of inter-ministerial interactions with officials of relevant Government institutions and with civil society members, including human rights communities and media, and development partners, latest one being on June 1 at the Office of the Prime Minister and Council of Ministers (OPMCM) which I had the honor to chair.

Several policy and legal measures have been initiated in the context of the implementation of UPR recommendations. With a view to implementing the recommendations in an effective and coordinated manner, the GON has adopted an Action Plan on the Implementation of UPR Recommendations which was prepared with the widest participation and consultations of stakeholders. This Action Plan outlines requisite measures to implement the recommendations, designates responsible bodies and assisting bodies, the expected time-frame and result indicators. The relevant Ministries and institutions have been asked to mainstream the activities in their sectoral plans as identified in the Action Plan. Recommendations contained in the UPR are being integrated into the National Human Rights Action Plan as well.

**Mr. President,**

Nepal is currently undergoing social, economic and political transformation process after over a decade long armed conflict. Since the beginning of the

peace process in 2006, the country has registered a remarkable improvement in the human rights situation. As the fundamentals of human rights, peace process and constitution drafting are interlinked, the GON is working hard to complete the basic tasks of the peace process and drafting of new constitution within the extended three months term of the Constituent Assembly. The elected Constituent Assembly remains engaged in completing the peace process and constitution writing through the process of cooperation, understanding and consensus among political parties. And, political parties are also actively engaged in this process at higher level with utmost priority.

**Mr. President,**

We consider human rights as cross cutting agenda to be remained at the heart of the development plans and national building process. The Approach Paper of the Three-Year Interim Plan (2010/11-2012/13) has set the goal as to improve the living standards of all Nepalese people through sustainable economic growth, generating dignified and gainful employment opportunities, reducing economic inequalities, achieving regional balances and eliminating social exclusion. It envisages building an inclusive, just and prosperous nation based on the culture of human rights that is in compliance with its international commitments and the fundamental rights guaranteed by the Interim Constitution.

It further requires incorporating human rights related issues in all sectoral development policies, plans and programs; operating special programs for promoting human rights for the vulnerable or marginalized groups or communities including women, children, persons with disabilities, Dalit and indigenous peoples; enhancing the capacity and effectiveness of human rights institutions; and developing the culture of respecting human rights through human rights education.

The GON has already adopted the Gender Equality and Social Inclusion Policy, 2010, which is being implemented through various programs, also with the involvement of local bodies and support. It is reviewing the National Plan of Action against Human Trafficking. We have witnessed tangible progress in the arrests, prosecution and conviction to address human trafficking issues. A National Action Plan for the Rehabilitation and Reunification of Children Affected by Conflicts since January 2011 is being implemented.

The GON has adopted and enforced a National Action Plan on the Implementation of the United Nations Security Council Resolutions 1325 and

1820 on February 1, 2011. Its basic goal is to achieve sustainable peace and just society, and with the objective of ensuring proportional and meaningful participation of women at all levels of conflict transformation and peace building processes, and protection of women and girls' rights. We are also fighting against gender based violence by implementing Action Plan against GBV.

**Mr. President,**

We cannot tolerate scars of untouchability in the society any more. To that effect, the Legislature Parliament has recently passed the Caste-based Discrimination and Untouchability (Offence and Punishment) Bill, 2011. The GON has decided to observe June 4, as a day against racial discrimination and untouchability.

Justice is a part of the peace process. The Government remains committed to strike a necessary balance between peace, justice and reconciliation. With a view to ensure transitional justice and enhance the culture of accountability, two important bills among others - Truth and Reconciliation Bill 2011, and Disappearance (Offence and Punishment) Bill, 2011 are in the final stage of enactment at the Legislature Parliament.

Some other important bills under consideration of the Legislature Parliament include: Sexual Harassment at Workplace (Prevention) Bill, 2011, Bill on Amendment to Some Nepal Acts Relating to Administration of Justice, 2010, and the Mediation Bill 2011.

Bills that have already been presented before the Legislature Parliament include the National Dalit Rights Commission Bill, 2011 and a Bill to Amend Some Nepal Acts to Make Various Public Services Inclusive, 2011. Similarly, various Bills have been tabled in the Legislature-Parliament. These instruments include the Civil Code Bill, Penal Code Bill, Civil and Criminal Procedures Codes and Sentencing Bill. The GON believes that upon the enactment of these bills, the civil and criminal justice system will be further reformed and strengthened to the tune of international standards.

**Mr. President,**

I have the pleasure to inform the Council that Nepal ratified the United Nations Convention against Corruption in February this year. An action plan has already been developed with a view to giving effect to this Convention. The GON has formed a functional team to develop and strengthen policy, legal and institutional measures as required for the implementation of the Convention.

Likewise, the Legislature Parliament is currently considering United Nations Protocol to Prevent, Suppress and Punish Trafficking in Persons Especially

Women and Children to supplement the United Nations Convention on Transnational Organized Crime for ratification.

**Mr. President,**

The Government of Nepal is also considering several important policies and legal instruments that have been prepared in consultations with stakeholders. These include a Bill on Bonded Labor (Prohibition) Regulation, Child Friendly Local Governance National Strategic Framework and Child Friendly Local Governance Implementation Procedures.

The GON has recently finalized a bill to amend about 20 laws in order to ensure gender equality. A bill to provide free and compulsory secondary education is also under the active consideration of the Legislative Committee of the Cabinet.

The GON is finalizing a bill on criminalizing torture, in line with the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. It is also drafting bills on the protection of witnesses and that of whistleblowers in criminal cases. It is also extensively working out for legal measures on fast track court mechanism in criminal cases involving women. Recently, the GON has finalized the standard operating procedures for establishing one stop crisis centers in district hospitals or district-based health institutions. These centers will provide requisite services and counseling to victims of, or those affected from, gender based violence.

**Mr. President,**

The GON has consistently revised measures with a view to further strengthening national human rights institutions including the National Human Rights Commission (NHRC). The Government firmly believes in the central role of the NHRC for the protection and promotion of human rights as well as their monitoring. The National Human Rights Commission Bill, 2011, which contains a range of provisions in line with international standards, is in the final stage of enactment in the Parliament. I would like to reiterate that the NHRC is a constitutional body with full autonomy in its functioning.

A recent decision by the Council of Ministers fully empowers the relevant ministries to expeditiously implement the related recommendations of the NHRC. This also establishes a fast track mechanism that enables the relevant ministries to implement compensation related recommendations. The Government is also taking action on other human rights violations as recommended by the NHRC. A special monitoring mechanism has been set up

within the Office of the Prime Minister and Council of Ministers to execute court orders and decrees following an interactive consultative meeting with Supreme Court judges, high government officials, security agencies, and Bar Association representatives.

I would like to reiterate the position of my government that it remains committed to the implementation of human rights treaties, directives and recommendations by the Supreme Court and NHRC, revamping relevant institutions and security bodies with adequate resources.

**Mr. President,**

The GON is engaged in building necessary policy, legal and institutional infrastructures as a prerequisite for acceding to some treaties. We believe that upon the enactment of various bills on criminal code, criminal procedure code, extradition and mutual legal assistance, basic infrastructures will be in place to enable it to accede to them including the Rome Statute.

On the recommendations of extending invitations to special procedures and mandate holders for country visits, I would like to state that Nepal attaches importance to the work of special procedures and mandate holders and values their contributions towards advancing the respect of human rights. The Government of Nepal is considering extending invitations to them in due course of time on a case by case basis. We are of the view that national preparation and capacity is equally important to make these visits productive and meaningful.

**Mr. President,**

I would like to briefly explain at this juncture why we were not able accept some of the recommendations contained in Paragraph 109 of the Working Group report. Some of the recommendations were combined with those which we could not accept. About the ratification of the Optional Protocol to the Convention against Torture (OPCAT), International Convention for the Protection of All Persons from Enforced Disappearance (CED), and the 1951 Convention Relating to the Status of Refugees and its 1967 Protocol, we would like to state that as a party to almost all core human rights treaties, Nepal is regularly reviewing human rights treaties for possible accession or ratification. We believe that putting in place adequate national infrastructures is prerequisite for complying with the principles and objectives and undertaking additional responsibilities including the reporting

obligation that emanate from these treaties. Even without being a party to these instruments, Nepal has consistently upheld their principles and objectives.

I would like to make it clear at this point that Article 156 of the Interim Constitution of Nepal requires that the ratification of and accession to any treaty or agreement to which the State of Nepal is to become a party must be approved by a two thirds majority of the Legislature Parliament.

As to the recommendation contained in paragraph 109.8, we would like to reiterate that the Government of Nepal has no policy of forcibly returning the refugees.

In terms of the recommendation to promote other durable solutions than resettlement in third countries for the refugees in eastern Nepal (paragraph 109.9), we would like to state that Nepal does not have a policy of local integration of refugees as a durable solution.

Regarding the recommendation to amend legislation to remove all provisions granting security forces or Government officials immunity from prosecution for criminal acts (paragraph 109.11), I would like to inform the Council that the existing laws in Nepal do not have any provision of immunity from prosecution.

With regard to the recommendation to address cases of stateless in the new Constitution's drafting process (paragraph 109.12), I would like to categorically state that there are no cases of statelessness in Nepal. We also submit to the Council that writing a new Constitution is the prerogative of the sovereign Constituent Assembly.

**Mr. President,**

Nepal is currently engaged in laying a solid and sustainable foundation of constitutionalism to consolidate democratic achievements, institutionalize the rule of law, and promote lasting peace, stability and development firmly grounded on the foundation of respect for human rights.

We consider that all human rights are universal, indivisible and interrelated. Despite a range of policies, legal and institutional measures that have been initiated, people's ability to enjoy human rights is constrained by a number of factors which have their roots in governance, structural and institutional capabilities, widespread poverty, low level of development and stark inequalities. The Government has been working to address them in a timely and systematic manner.

Transitional phase is a delicate and difficult period which is often characterized by complex, multifaceted and interconnected challenges. Institution building in the post conflict context is a long and uphill task. It is our firm belief that only with democratic pluralism, full respect for human rights and social justice and national human rights institutions at the center, we will be able to address them in a holistic manner.

As we work to complete the remaining tasks of the peace process and constitution writing, the protection and promotion of human rights remain at the center. At this hour of building democratic institutions, we appeal to the international community for their continued goodwill, support and cooperation to make Nepal a peaceful, stable, democratic and prosperous country.

I thank you, Mr. President.