

ADVANCE QUESTIONS TO NEPAL

BELGIUM

- Is the Government of Nepal considering ratifying the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and the International Convention for the Protection of All Persons from Enforced Disappearance as well as ILO Convention No. 189, the Protocol to Prevent, Suppress and Punish Trafficking in Persons Especially Women and Children and the Rome Statute of the International Criminal Court?
- Is the Government of Nepal considering issuing a standing invitation to the special procedures? Does the Government of Nepal intend to respond positively to the request of the Working Group on enforced or involuntary disappearances, the Special Rapporteur on human rights defenders and the Special Rapporteur on the promotion of truth, justice, reparation and guarantees of non-recurrence to visit the country?
- How does the Government of Nepal intend to implement the judgment of the Nepal Supreme Court regarding the mandate of the Truth and Reconciliation Commission and Enforced Disappearances Commission? What measures will be taken to bring the relevant Act of 2014 in line with international standards?
- Is the Government of Nepal considering bringing rape laws in line with international standards? Will the 35-day limitation on lodging a complaint of rape with the police be removed?
- The report to the Committee on the Elimination of **All Forms of Racial Discrimination** from the Government of Nepal is overdue. What measures have been taken by the Government of Nepal to remedy this?
- Which concrete measures is the Government of Nepal taking to enforce legislation prohibiting child labor, reinforce labor inspections and facilitate access to education for poor and disadvantaged children?

CZECH REPUBLIC

- Does the Government consider accession to the OP-CAT and the Rome Statute of the ICC and, if so, in which time frame? Does it consider issuing a standing invitation to the Human Rights Council special procedures?
- Which measures has the Government adopted towards the elimination of discrimination including against Dalits and women? How is evaluated the implementation of the Caste-Based Discrimination and Untouchability Act?
- In the area of gender-based violence, what measures have been adopted to ensure better prevention, investigation and prosecution of perpetrators of such violence? How does the Government ensure protection, access to justice and rehabilitation of victims?

- How did the Government implement the recommendations contained in the 2010 OHCHR report on “Investigating allegations of extra-judicial killing in the Terai”? Has there been any systematic follow-up on national level to ensure prevention, investigation and punishment of such crimes?
- According to public reports, human rights defenders and journalists face physical attacks, death threats, harassment and reprisal by security forces. How is the Government addressing this problem? How are ensured prevention, investigation and punishment of such acts? What tools and remedies are at hand of persons threatened for its human rights promotion activities?
- What measures have been taken to reflect the 2013 and 2015 Supreme Court rulings on the Truth, Reconciliation and Disappearance Act in the efforts to effectively investigate human rights violations committed during the civil war and to deliver on accountability and reconciliation?

GERMANY

- What concrete measures does the Government of Nepal envisage to ensure an effective implementation of the existing legal instruments regarding anti-discrimination and social exclusion, e.g. the Caste-based Discrimination and Untouchability (“Crime and Punishment”) Act?
- What steps will the Government of Nepal undertake to ensure that also the informal sector is covered by current child and labor legislation? What legal and other measures will be taken to counter the rising trend of human trafficking, in particular trafficking of children, following the devastating earthquakes in Nepal?
- What steps does the Government of Nepal plan to undertake in order to strengthen the institutional set-up and related mechanisms for protecting migrant workers' rights, both pre-departure and at major labor destinations?

SWITZERLAND

- According to the National Human Rights Commission the implementation status of recommendations of Nepal’s 1st UPR cycle in 2011 is not satisfactory. The Nepal NGO Coalition for Nepal’s UPR 2015 states that only 7.5% of the recommendations were fully implemented and 56.66% partially implemented, whereas 30.84% were not implemented at all. What are the reasons for this low implementation rate and what measures will the Government of Nepal take to increase the implementation rate of recommendations accepted by Nepal during the 2nd cycle of the UPR?
- At the 1st UPR cycle in 2011 Nepal accepted Switzerland’s recommendation that the laws relating to the Truth and Reconciliation Commission, as well as to the Commission on Disappearances should be in line with international standards. However, according to the ruling of the Supreme Court of Nepal of February 2015, the transitional justice mechanisms still do not fully conform to Nepal’s international obligations. Which measures will the Government of Nepal take to ensure the

compliance of the transitional justice mechanisms with Nepal's international obligations and to ensure the implementation of the Supreme Court decision?

- Which measures has Nepal taken to ensure that law enforcement officials and security forces avoid any excessive and arbitrary use of the force in the context of demonstrations and protests? Which measures has Nepal taken to ensure that all human rights violations, which were allegedly perpetrated in the context of the repression of demonstrations and protests are promptly, impartially, independently and thoroughly investigated and that those responsible are prosecuted and sanctioned?
- Which steps has the Government of Nepal taken to effectively combat discrimination and social exclusion? How many cases of caste-based violence have been investigated and how many perpetrators have been prosecuted since the enactment of the "Caste-based Discrimination and Untouchability (Offence and Punishment) Act" in 2011?

NORWAY

- The right to education applies to all children. As Nepal is formulating a new sector plan for school education, what measures will be taken to promote greater equity in both access, enrolment and educational outcome for marginalised groups, including Dalit children and children with disabilities?
- Norway refers to concerns raised by the UN Human Rights Committee and the CEDAW Committee respectively, with respect to access to citizenship for women and children in Nepal. How have these rights been addressed in the new constitution recently adopted by the Constituent Assembly?
- Norway notes with concern that victims of torture, rape and other forms of sexual violence from the conflict period are unrecognised in past and ongoing programmes for conflict victims. What steps can be taken to ensure that victims of torture and sexual violence from the conflict period are provided with effective reparations, including appropriate compensation, restitution and rehabilitation? What steps have been taken to follow up Nepal's National Action Plan for the implementation of SR 1325/1820, with respect to the provision of free medical service and psycho-social and legal counselling to women and girls victims of SGBV during the time of conflict?

SLOVENIA

- While welcoming the promulgation of the new Constitution, we would like to inquire about Government's plans to enact in practice its provisions as pertaining to the promotion and protection of human rights, including as regards gender equality and women's rights. In particular, what provisions and measures are taken to strengthen affirmative actions, quotas and programs to empower women?

- What strategies and actions is the government undertaking to prohibit and sanction child labor in the informal sector, including as regards monitoring, inspection and investigation?

SWEDEN

- Nepal's constitution marks a breakthrough in state-building, which should facilitate and speed up ongoing reconstruction efforts and long-term economic development, as well as consolidate a democratic and inclusive society. Are any specific measures planned to ensure an inclusive dialogue and to address any outstanding concerns of the Nepalese minority groups who have expressed dissatisfaction with the constitution?
- What additional support would be needed to enable further progress in the recovery process and to ensure that equality, justice and accountability in Nepal does not lose ground as the country struggles to recover from the devastation caused by the earthquakes?
- What measures have been taken to uphold the total prohibition against torture since 2013, in accordance with its international obligations under the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT)?

UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND

- Please could you explain how Nepal intends to implement its obligations under the UN Convention Against Torture to address acts of torture which take place outside detention and please could you provide an update on any progress made on torture legislation and on whether a decision has been taken to establish an independent police commission to investigate allegations against police and other security forces as recommended in the 2011 UPR?
- Please could you provide information on the timetable for the Truth and Reconciliation Commission and Disappearances Commission to begin to investigate allegations of extra-judicial killings, disappearances and other serious human rights violations, on the guarantees to ensure that investigations will be independent and on how the Government will ensure adherence to Nepal's Supreme Court decision annulling provisions in the TRC Act in respect of amnesties?
- Please could you give details on progress made on rape legislation in the draft Penal Code and explain why the interim decision was taken to extend rather than abolish a time limit for victims to make a complaint.
- Is the Government prepared to consider amending Article 11 of the new Constitution to ensure equal citizenship rights to both men and women who marry foreign nationals and to any children of that marriage?