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**Human Rights Council**  
**Working Group on the Universal Periodic Review**  
**Twenty-third session**  
Geneva, 2–13 November 2015

### **Draft report of the Working Group on the Universal Periodic Review\***

**Nepal**

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\* The annex to the present report is circulated as received

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## Introduction

1. The Working Group on the Universal Periodic Review (UPR), established in accordance with Human Rights Council resolution 5/1 of 18 June 2007, held its twenty-third session from 2 to 13 November 2015. The review of Nepal was held at the sixth meeting on 4 November 2015. The delegation of Nepal was headed by the Hon. Deputy Prime Minister and Minister for Foreign Affairs, Mr. Kamal THAPA. At its tenth meeting held on 6 November 2015, the Working Group adopted the report on Nepal.

2. On 13 January 2015, the Human Rights Council selected the following group of rapporteurs (troika) to facilitate the review of Nepal: Latvia, Qatar and Morocco.

3. In accordance with paragraph 15 of the annex to resolution 5/1 and paragraph 5 of the annex to resolution 16/21, the following documents were issued for the review of Nepal:

(a) A national report submitted/written presentation made in accordance with paragraph 15 (a) (A/HRC/WG.6/23/NPL/1);

(b) A compilation prepared by the Office of the United Nations High Commissioner for Human Rights (OHCHR) in accordance with paragraph 15 (b) (A/HRC/WG.6/23/NPL/2);

(c) A summary prepared by OHCHR in accordance with paragraph 15 (c) (A/HRC/WG.6/23/NPL/3).

4. A list of questions prepared in advance by Belgium, Czech Republic, Germany, Switzerland, Norway, Slovenia, Sweden, United Kingdom of Great Britain and Northern Ireland, Liechtenstein, Mexico, Spain, Kenya was transmitted to Nepal through the troika. These questions are available on the extranet of the Working Group.<sup>1</sup> Additional questions raised during the dialogue by Montenegro, Paraguay, Uganda, United Arab Emirates, Belgium and Hungary are summarized in section I.B below.

## I. Summary of the proceedings of the review process

### A. Presentation by the State under review

5. Extending the warm greetings from the people and the Government, the head of the delegation indicated that Nepal was proud about the recent promulgation of their new Constitution, which marked the conclusion of the peace process initiated in 2006, and a new journey towards peace, stability and prosperity.

6. Nepal was pleased to have the opportunity of the second review under the UPR to present Nepal's efforts towards fulfilling its international obligations and commitments on human rights, update on the status of implementation of recommendations, achievements, challenges and constraints. Nepal looked forward to a productive interactive dialogue.

7. A new Constitution was promulgated on 20 September 2015. It has been made possible by the democratic exercises conducted in an inclusive, transparent and participatory manner giving due consideration to Nepal's vast diversity.

8. It has institutionalized the federal democratic system of governance, paving the way for political stability, sustainable peace and economic prosperity. The new constitution

<sup>1</sup> <http://www.ohchr.org/EN/HRBodies/UPR/Pages/NPSession23.aspx>

guarantees substantive equality, and promotes human dignity, identity, and opportunity for all by ending all forms of discrimination and inequalities, embracing multi-ethnic, multi-lingual, multi-cultural and diverse geographical specificities.

9. It aims to create an egalitarian society on the basis of the principles of proportional inclusion and participation. The proportional electoral system, inclusive representation of marginalized and disadvantaged communities in all State organs, positive discrimination and special provisions with regard to rights of women, Dalits, Madheshis, Indigenous people, Tharus, Muslims, Persons with Disabilities, and minorities have been guaranteed in the Constitution.

10. The constitution has ambitiously broadened the scope of fundamental rights by ensuring a wide range of economic, social and cultural rights, and a framework for progressive realization of socio-economic rights.

11. The new constitution has been significantly progressive in eliminating gender-based discrimination as well as empowering women through enhanced representation.

12. It established and further strengthened various Commissions as independent constitutional bodies such as the National Women Commission, National Dalit Commission, National Inclusion Commission, Indigenous people and Nationalities Commission, Madheshi Commission, Tharu Commission, and Muslim Commission.

13. The Government is committed to building on the new constitution for the continued promotion and protection of human rights with necessary legal, institutional and administrative mechanisms.

14. The operationalization of the Truth and Reconciliation Commission as well as Commission on Enforced Disappearances also reflects Nepal's commitment to addressing the serious violation of human rights committed during the period of conflict, ending impunity and providing justice to victims as well as promoting sustainable peace, harmony and reconciliation in society.

15. The free media, active civil society as well as the ever-growing awareness of the general people about their rights continue to strengthen the human rights environment in the country.

16. The National Human Rights Commission assumes a central role in the protection and promotion of human rights with responsibility for independent investigation into all human rights violations as well as for overall monitoring of the human rights situation.

17. In the last four years after the first UPR, the country has been able to accomplish significant progresses. The rights-based approach has become an important consideration in every aspect of national life. By formulating an Action Plan on the implementation of UPR recommendations received in 2011, Nepal set stage for more effective outcomes of important human rights issues.

18. The major accomplishments, the conclusion of the peace process and historic political transition in particular, have been nationally driven. Nepal is confident of its ability to resolve any conflicting issue with its own efforts and through peaceful means. It is with this conviction that the new Government is engaged in dialogue with the Madhesh-based political parties to win their confidence and resolve the differences within the constitutional framework. The Constitution of Nepal is a living and dynamic document that can be amended in accordance with the needs and aspirations of the people.

19. Nepal is currently at a very delicate situation resulting from the obstructions of essential supplies at the border points that has adversely affected the lives and the livelihood of the entire population as well as education, health, trade, industries, tourism and the whole economy of the country. If the current trend is not checked, the country is

likely to experience an unjust and severe humanitarian crisis. The continuous obstructions at border points under any pretext have severely impeded the exercise of rights and freedom that Nepal is entitled under the international law as a land-locked country. The challenges and pressures besetting the nation and people at present are immensely painful.

20. The fundamental goal of the new Government recently elected is to effectively implement the new constitution, and has started to formulate legislative and policy tools for its smooth operationalization. Nepal is also keen to give further momentum to its economic development agenda, despite the huge devastation and setback caused by the recent earthquakes.

21. Despite consistent efforts, Nepal continues to confront challenges in meeting some of the desired targets and fulfilling obligations. Paucity of resources, land-locked situation, low level of economic development, rampant poverty, deprivation of basic needs and amenities, low level of education, among others, have adversely affected the implementation of action plans on human rights. As the political transition has come to an end with the promulgation of the new constitution, the country is in a position to undertake further steps for the realization of all human rights by all with adequate support from the international community.

22. We stress the importance of strict adherence to the principles of universality, objectivity and non-selectivity by all human rights mechanisms under the United Nations. As democracy, development, peace, security and human rights are interdependent, they call for a holistic approach to address the human rights issues. The efforts of the international community must, therefore, be geared towards creating an environment for the enjoyment of all human rights.

23. For a country like Nepal, the enjoyment of the right to development will have significant impact on the promotion of other rights. It is in this context that Nepal attaches importance to the effective and balanced implementation of the 2030 Agenda for Sustainable Development.

24. Nepal reiterated its commitment to the promotion and protection of human rights and looked forward to a constructive engagement in the interactive dialogue.

## **B. Interactive dialogue and responses by the State under review**

25. During the interactive dialogue, 73 delegations made statements. Recommendations made during the dialogue can be found in section II of the present report. All written statements of the delegations, to be checked against delivery on the United Nations Webcast archives,<sup>2</sup> are posted on the extranet of the Human Rights Council when available.

26. The Maldives appreciated the efforts of Nepal in restoring public services following the earthquake in April 2015. It welcomed the adoption of the new Constitution and the approval of plans on healthcare.

27. Mauritius took note of the progress made in poverty eradication, human rights education food safety and health. It encouraged Nepal to pursue further efforts for the advancement of women.

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<sup>2</sup> <http://webtv.un.org/meetings-events/human-rights-council/universal-periodic-review/23rd-upr/watch/nepal-review-23rd-session-of-universal-periodic-review/4597063809001>

28. Mexico welcomed the new Constitution and appreciated progress made, such as the start of the implementation of the National Action Plan and Strategy for Gender-Empowerment and the Elimination of Gender-Based Violence.
29. Montenegro commended efforts to strengthen the national framework for human rights protection. Montenegro asked for more information on the comprehensive plan of action to address recommendations.
30. Morocco commended the creation of the Truth and Reconciliation Commission and the Commission on Enforced Disappearances and the importance given to workers' rights and the reduction of poverty.
31. Myanmar noted the commitment of Nepal to the implementation of periodic National Human Rights Action Plans in collaboration with the national human rights institutions and civil society.
32. Namibia was pleased to note the progress in making the new Constitution and commended Nepal on the recent National Shelter/Housing Plan of 2014.
33. While taking note of the Caste Based Discrimination and Untouchability Act, Denmark noted that discrimination based on gender, caste, ethnicity, and religion was widespread. The implementation of the Truth and Reconciliation Commission and Disappearance Act remained slow.
34. New Zealand commended the establishment of Committees to increase protection for human rights, but remained concerned about aspects of women's rights in Nepal.
35. Nicaragua recognized achievements relating to social and economic rights, such as improvements in the field of employment, but regretted that these had been undermined by the recent devastating earthquake.
36. Norway noted progress in access to education however, the enrolment of children with disabilities remained low. Drop-out rates remained high. Discrimination against, and trafficking and sexual harassment of women had increased.
37. Pakistan noted with appreciation the new Constitution and measures to ensure the right to education, health, housing and land. It encouraged Nepal to ensure the rights of indigenous peoples, minorities and vulnerable groups.
38. Panama commended Nepal for the preparation of the second national report in consultation with national human rights institutions, the civil society and the media.
39. Paraguay commended Nepal for the adoption of the new Constitution. It recognized the specific challenges in the protection of human rights in situations of natural disasters. It asked for more information on how humanitarian assistance is provided.
40. The Philippines noted the new Constitution, guaranteeing human rights and freedoms. It recognised the need of enhanced international support for economic development and for reconstruction of damaged infrastructure in Nepal.
41. Portugal noted a human rights plan of action for 2014-2018, as well as several policies and programs on gender equality.
42. Qatar noted challenges facing the country after the earthquake. It noted the new Constitution and a plan of action for persons with disabilities.
43. The Republic of Korea commended the establishment of the Commissions on Truth and Reconciliation, and Investigation of Enforced Disappearances, and the enactment of the new Constitution.

44. The Russian Federation noted the new Constitution and efforts to eliminate racial discrimination.
45. Sierra Leone welcomed the establishment of transitional justice mechanisms to address past human rights violations, and the plans to implement free and compulsory education. It expressed concern about trafficking in children and their sexual exploitation.
46. Singapore acknowledged increases in qualified and trained teachers in basic education and literacy rates. It noted the efforts to promote and protect the right to health, including a new National Health Policy 2014.
47. Slovakia expressed concern about reports of increasing violence against women in the aftermath of the April earthquakes, harassment and reprisals against journalists and human rights defenders.
48. Slovenia welcomed the adoption of a new Constitution and the National Master Plan on the Elimination of Child Labour (2011). Continuing concern was expressed regarding the high number of working children under the minimum age, gender-based violence, including domestic and sexual violence.
49. South Africa recognized the progress made in the new constitution making process expressing hope that the new constitution will ensure all fundamental rights and freedoms.
50. Spain welcomed the promulgation of a new Constitution that, in addition to other related aspects with human rights, defines the State as a multi-religious State.
51. Sri Lanka welcomed the promulgation of a new Constitution, the priority on incorporating a human rights perspective in humanitarian assistance and the policy initiatives towards the realization of the right to education.
52. Sweden expressed concern about discrimination against Hindu minority population, and the inadequate representation of the Madhesi and Tharu minorities in the new constitution, as well as about systematic torture in prisons as well as the safety of female prisoners.
53. Switzerland expressed concern about excessive use of force by security forces during demonstrations and the incompatibility of the Truth and Reconciliation Commission and the Commission of Disappearances with Nepal's international obligations.
54. Responding to comments, the head of the delegation thanked delegations for the sympathies expressed on the vast damages to the life and property in Nepal due to the recent earthquakes in the country. He noted that the government is fully committed to addressing the challenges through timely recovery and reconstruction works. Nepal wished to thank friendly countries, international organizations and the international community at large, for their generous support.
55. Nepal thanked member states who have expressed their support and encouragement for the promulgation of the new constitution, which incorporated democratic values and human rights norms. Nepal agreed that some provisions are highly ambitious. In line with the constitution, Nepal has begun the process to adopt necessary legislation for its implementation.
56. Mr. Kamalshali Ghimire, Secretary at the Office of the Prime Minister and Council of Ministers, referred to advanced questions and recommendations received regarding transitional justice. Transitional justice mechanisms have been established to ensure justice and reconciliation in the society. Nepal believed that the mechanisms will fulfil the tasks by considering the nature of the conflict, the verdict of the Supreme Court, practices in other jurisdictions and international human rights standards.

57. Mr. Dilli Raj Ghimire, Joint Secretary at the Ministry of Law, Justice and Parliamentary Affairs, responded to some questions regarding ratification of treaties, standing invitation, right to education and questions relating to refugees and asylum seekers. He appreciated recommendations received, including to join OP-CAT. He noted that Nepal has become a party to 162 and signatory to 26 multi-lateral treaties, including 24 human rights related treaties. The State policies on political and governance system in the constitution envisage to maintain the rule of law by protecting human rights and implementing treaties to which Nepal is a party. Effective implementation of treaties is as important as joining them. Nepal is in the process of developing necessary policy, legal and institutional infrastructure that are required to implement these treaties in its territory. As part of the UPR action plan and human rights action plan, the government has submitted some important bills to the Legislature-Parliament for enactment. Nepal is also in the process of establishing requisite framework to join some other treaties as appropriate in due course of time.

58. Nepal appreciated recommendations for extending standing invitation to special procedures mandate-holders. Nepal indicated that it had already received visits by various rapporteurs. It recognized the contribution that such mandate-holders can make to developing human rights norms and the protection of rights on the ground. With the promulgation of the new constitution, Nepal is engaged in the formulation of laws and institutional framework. In this context, Nepal will consider the requests for visits already made by mandate-holders, as appropriate in due course of time.

59. The Constitution in article 24 prohibits untouchability in both public and private places, and also outlaws discrimination at work places on the basis of untouchability. The right of Dalit to participate in all State bodies on the basis of principle of proportional inclusion is a fundamental right. It is the obligation of the State to make special provision for empowerment, participation and representation in public places, areas of employment, health, social security, housing and provision of land to landless Dalits within 3 years. The Dalit have also the fundamental right to free education up to higher education level with scholarship. Moreover, the Caste-based Discrimination and Untouchability Prevention Act 2011 is being implemented. Cases of discrimination against Dalit have been prosecuted under this law. The government is focusing on capacity building of law enforcement officials, awareness raising, Dalit's access to justice, avoiding delay in the investigation of cases if any, and an integrated action plan is also being prepared to curb de facto discrimination.

60. In relation to the right to education, in particular the issue of dropout, Nepal mentioned that the right to access to compulsory and free basic education and to free education up to secondary level has been guaranteed by the fundamental law. Persons with disabilities also have the right to free basic education in script and sign language. The Government has now submitted a bill at the Legislature-Parliament to amend the existing education Act to implement these provisions. Progress has been made in terms of net enrolment rate, literacy rate, trained teachers and investment in education sector. Nepal has also adopted a number of specific measures to tackle dropouts. Measures to combat child marriage have also been adopted, and there is also a focus on multi-lingual education.

61. In relation to the issue of refugees and asylum seekers, Nepal is not a party to the Refugee Convention 1951 and it is not in a position to accept refugees because of its internal capacity constraints. Despite these limitations, it had accepted a great number of refugees in the past. Nepal does not have an issue with asylum seeker per se, however there are a number of persons from different countries who have violated visa regulations by overstaying or are entering Nepal with fake passports or visas. Nepal has allowed them to return back to their home countries or third countries with the good offices of UNHCR. Nepal has waived visa fees and fines, and pardoned sentences several times on



humanitarian grounds. Nepal has maintained a clear policy of not accepting refugees from any country.

62. Mr. Ramesh Dhakal, Joint Secretary, Office of the Prime Minister and Council of Ministers, noted that the new Constitution is more gender friendly and progressive. It follows the principle of equality and non-discrimination in regard to the provision of citizenship for Nepalese people. The Constitution empowers women to transfer their citizenship to their children. The Constitution has mandated the Federal Parliament to enact federal laws to provide detailed provisions on acquisition of citizenship. With regard to children born abroad to Nepalese women and foreign fathers, children are entitled to get citizenship if he/she has permanent residence in Nepal and has not acquired the citizenship of another country. Likewise, if the father and mother have acquired the citizenship of Nepal, in such cases children can acquire citizenship by descent.

63. With regard to the strengthening of the national human rights institutions, the Government is fully committed to work together with these institutions to provide them adequate funding and autonomy, so that they can fulfill their mandate as per the law. In line with the new Constitution, the government is committed to revise existing laws and to submit all necessary bills for the commissions that have been upgraded as constitutional bodies.

64. The delegation noted that torture is absolutely prohibited by law under any circumstances and for any purpose. The government has adopted a zero tolerance policy against torture and ill-treatment of any forms. Torture in the police custody has significantly been declining as shown by research conducted by the Office of the Attorney General. The target of the Government is to end even a single case of torture. Nepal is giving high priority to: the enactment of a comprehensive bill to criminalize all forms of torture, reforming the criminal justice system to introduce internationally accepted principles and best practices, capacity enhancement of law enforcement authorities by providing extensive training and sufficient technology and resources to make the investigation and prosecutions more evidence-based, and strengthening national preventing mechanisms.

65. With regard to the excessive use of force, the Nepalese laws, particularly the local administration Act and other regulations are in line with the UN principles on the use of force. The government has strictly pursued a policy to use force in line with international principles.

66. The government is implementing a national housing policy based on the concept of housing for all, providing support to low income and marginalized groups.

67. Ms. Radhika Aryal, Joint Secretary, Ministry of Women, Children and Social Welfare responded to comments made on gender equality, women's empowerment, child protection, disaggregated data on people living with disabilities and rights of marginalized people, including LGBTI. The new constitution has embodied the notion of substantive equality and non-discrimination as a fundamental right of citizens. In line with the inclusive policy, affirmative actions have been introduced to ensure participation of women at all levels of State mechanisms. It has also established women's equal right to property and all economic resources. There are sustained efforts to introduce, review and amend existing laws to strengthen gender equality for all people.

68. Regarding gender-based violence, the recently amended Domestic Violence Act has specifically spelled out the definition of physical, economic and mental violence. The Government has established various funds to provide services to victims and survivors of gender-based violence and human trafficking for the immediate rescue, medical care, legal aid, psycho-social support, rehabilitation and reintegration. Similarly, the 35 days statute of limitation to initiate criminal proceeding with the offence of rape has been extended to 90

days through the amendment in the General Code. In case of minor rape victims, the statute of limitation commences after he/she attends the age of 16 years.

69. Regarding child protection, the draft bill on children has various provisions to end all forms of violence against children, including child labor, child marriage, corporal punishment, child trafficking, abuse and exploitation. After the earthquake, the government took important policy decision for controlling human trafficking and gender-based violence. Coordination mechanisms and various checkpoints have been established.

70. Thailand highlighted the need to prioritize the most disadvantaged and marginalized groups in policies and strategies on access to resources while noting the progress made in poverty alleviation and housing programmes. Concern was expressed about caste-based violence and discrimination against women.

71. Timor- Leste took note of policies on gender equality, including a national strategy and action plan on gender empowerment and on gender based violence.

72. Uganda noted the priority to address the transitional needs of the country for quick recovery. It inquired about plans to address gaps in the implementation of the action plan to follow-up on UPR recommendations.

73. Ukraine commended the adoption of the new Constitution and reconstruction efforts. It noted the difficult situation after the earthquake and remaining human rights challenges.

74. United Arab Emirates noted measures to promote the rights of women and children, and the right to education. It requested Nepal to provide more information on the implementation of the reform of the educational system.

75. The United Kingdom of Great Britain and Northern Ireland noted the new Constitution and progress on implementation of UPR recommendations on transnational justice. It was concerned about the absence of legislation to criminalise torture.

76. United States of America commended Nepal for establishing transitional justice mechanisms and finalizing a Constitution enshrining the principle of non-discrimination.

77. Uruguay commended Nepal for the promulgation of a new Constitution. It valued progress made in the reduction of poverty and encouraged Nepal to continue efforts to promote and protect human rights.

78. The Bolivarian Republic of Venezuela valued efforts made by Nepal to implement recommendations from the UPR, including in the areas of health, housing and food for the most vulnerable.

79. Afghanistan valued the commitment of Nepal in establishing national human rights institutions and noted improvements made since the first UPR including the establishment of a transitional justice mechanism.

80. Algeria noted progress towards the elaboration of a new constitution, and encouraged Nepal to protect migrant workers from the risk of exploitation.

81. Argentina welcomed the establishment of the Truth and Reconciliation Commission and the Commission for the Investigation of Enforce disappearances and referred to its own international campaign for the adoption of the ICPPED.

82. Australia welcomed progress in finalizing the new Constitution and acknowledged the difficulty of the process of reconciling the demands of a large number of ethnic groups and interests.

83. Bangladesh appreciated the continuation of the democratic transition process in line with its recommendation in the first UPR. It acknowledged the challenges faced by Nepal and noted that poverty remained a serious impediment to the enjoyment of human rights.
84. Belgium welcomed the adoption of the new Constitution and asked if Nepal foresees acceding to the Rome Statute of the International Criminal Court.
85. Bhutan lauded Nepal for its efforts in bringing about gender equality in politics and work life as was evident in the increased representation of women in the Parliament and the election of the first woman President and Speaker.
86. Botswana was concerned about reports of physical attacks and death threats to human rights defenders. It noted with appreciation the establishment of transitional justice mechanisms and a new Constitution.
87. Brazil noted measures to promote an inclusive society and encouraged the adoption of policies to eliminate all forms of discrimination. It expressed concern about discrimination against women and LGBT persons and about child labour and early marriages.
88. Canada welcomed the new Constitution, and efforts to ensure equality of LGBT persons and to reform the legislation. It encouraged Nepal to ensure that its reconstruction efforts meet the vulnerable groups' needs.
89. Chile valued the progress made in the promotion and protection of human rights in complex circumstances resulting from the recent earthquake. It commended Nepal for the promulgation of a new Constitution that seeks to protect the cultural and ethnic diversity of the country.
90. China noted the increase of women in Parliament and efforts to ensure social security and equality, and reduce poverty. It called on the international community to assist Nepal in achieving its human rights obligations.
91. Colombia praised Nepal's commitment to implement recommendations from their first UPR. It recognized in particular, efforts to combat forced child labour.
92. Costa Rica commended Nepal for implementing recommendations from the first UPR, in particular those to strengthen the institutional framework.
93. Cuba recognized positive changes in the legal and institutional framework following the first UPR. Cuba urged the international community to continue supporting Nepal to implement its development and human rights policies.
94. Cyprus welcomed efforts to promote the rights of women, including the adoption of a national strategy and action plan on gender empowerment and on gender based violence.
95. The Czech Republic welcomed the delegation of Nepal and made recommendations.
96. The Netherlands appreciated the establishment of transitional justice mechanisms the new Constitution. It considered that the implementation of Nepal's policies and plans would go a long way in addressing the impact of climate change on human rights.
97. Djibouti welcomed a new Constitution which guarantees fundamental rights and freedoms, particularly equality of all.
98. Egypt welcomed transitional justice mechanisms, the enhanced political representation of women, and addressing migrant workers' exploitation risks, and social protection measures for the poorest and most disadvantaged. It noted the progress made in reducing maternal and child mortality, and poverty eradication.

99. Estonia welcomed the new Constitution. It however expressed concern about harassment of and reprisals against journalists and human rights defenders, and violence against women, including sexual violence and abuse.
100. Finland welcomed the new constitution's provisions on compulsory and free primary education, women's equal inheritance rights and rehabilitation of bonded labourers. While appreciating a steady increase in the enrolment and literacy rates, it expressed concern about the disparity in the quality of education among schools and groups of children.
101. France welcomed the new constitution and the nomination of the national human rights commission.
102. Germany welcomed the new constitution and the efforts by all non-governmental and civil society organizations in Nepal's peace building process encouraging for Nepal's path to reconciliation.
103. Ghana welcomed significant improvement in the security system, the establishment of transitional justice mechanisms and improvement in the functioning of the criminal justice system.
104. Haiti welcomed Nepal to the second UPR.
105. Hungary noted the weak level of implementation of human rights treaties. Hungary asked about the Government's plans regarding the modification of its citizenship laws.
106. India noted that the people of Nepal are facing a challenge during the ongoing political transition. It noted concerns raised over continuing incidents of violence, extra-judicial killings and ethnic discrimination.
107. India noted the worsened violence and instability in parts of Nepal in the run-up to and after the adoption of a new constitution in September 2011<sup>21</sup>. Concern was expressed about recurring incidents of violence, extra-judicial killings and ethnic discrimination.
108. Indonesia noted Nepal's efforts in the areas of domestic violence, anti-trafficking and the protection of migrant workers.
109. Ireland encouraged Nepal to continue addressing the impact of the armed conflict. It was concerned about violence against human rights defenders and journalists, and about the lack of enjoyment of the right to adequate food.
110. Israel noted the development of national human rights action plans, including on gender empowerment and on persons with disabilities, the increase in the representation of women in parliament and progress on inclusive education.
111. Japan commended Nepal for the promulgation of the new Constitution and on the legal measures introduced and national and district committees established to address human trafficking of women and children.
112. Lao People's Democratic Republic noted Nepal's strong commitment to promotion and protection of human rights in the country, and noted that Nepal has made progress in combating human trafficking.
113. Latvia noted the adoption of a new Constitution, legislative measures towards gender mainstreaming. It was concerned about discrimination against women and harmful traditional practices such as child marriages.
114. Malaysia commended progress made in strengthening legislative frameworks on human rights, and for adopting and implementing the National Strategy and Action Plan on Gender Empowerment and Elimination of Gender Based Violence.

115. Nepal thanked States for their comments and recommendations.
116. It noted that the National Human Rights Commission is a constitutional body with A status and that the Government is fully committed to further strengthening its capacity.
117. Nepal appreciated concerns about educational reforms, poverty reduction measures, child labor, early marriages and caste-based discrimination. It indicated however, that while not denying these problems, it has a strong legal and institutional framework and strong enforcement authorities to deal with such issues.
118. Nepal agreed with recommendations about developing a mechanism to collaborate with civil society, regional and global organizations to protect the rights of migrant workers.
119. Nepal reassured the Council that it guarantees freedom of religion, as stipulated in the new constitution. During the last decade, however, Nepal has seen some challenges to their traditional values, cultural heritage and national identity due to forced conversion, which is not permitted by law.
120. While stating that the new constitution of Nepal is democratic, inclusive and broad-based, Nepal also stressed the need for respecting each country's sovereign right to make its constitution on its own.
121. Nepal thanked delegations that expressed concern about the hardship that Nepalese people are facing at present. The Government is totally committed to resolve recent demands in the Madhesi region within the framework of the constitution.
122. To conclude, Nepal thanked all delegations for their constructive and valuable comments and observations. The interactive dialogue provided Nepal inputs for further development of legislations, policies, strategies and programs, in line with international norms and standards.

## II. Conclusions and/or recommendations

**123. The recommendations formulated during the interactive dialogue/listed below have been examined by Nepal and enjoy the support of Nepal:**

- 123.1. Continue to ensure the implementation of ratified human rights treaties (Pakistan);**
- 123.2. Advance in the comprehensive implementation of the new Constitution, consistent with the protection of human rights (Colombia);**
- 123.3. Introduce legislation providing appropriate criminal penalties for acts of torture; establish independent procedures to ensure that all allegations of torture are investigated promptly, thoroughly, impartially and independently; that any officials responsible for torture are held accountable; and that any victims of torture have the right to remedy and reparations (Germany);**
- 123.4. Explicitly prohibit torture and enforced disappearances as criminal offences under Nepali law (Norway);**
- 123.5. Intensify efforts to adopt a revised Children's Act that complies with international standards, including provisions on prohibition of all forms of violence against children, and to ensure sufficient budgetary resources to its implementation (Slovakia);**

- 123.6. Amend the existing Child Labour Act to include child labour in the informal sector within the purview of the law (Slovakia);
- 123.7. Adopt a bill criminalizing harmful cultural practices, and abolish child, early and enforced marriage (Sierra Leone);
- 123.8. Finalise the revision of child act in order to set up coordination mechanism related to cases of child victims trafficking (Timor-Leste);
- 123.9. Strengthen the legislative and institutional framework for the promotion and protection of rights of indigenous peoples, in particular to ensure their full participation in society (Mexico);
- 123.10. Continue efforts to improve national mechanisms for the promotion and protection of human rights (Myanmar);
- 123.11. Amend its National Human Rights Commission Act in order to guarantee the independence and financial autonomy of this Commission (Portugal);
- 123.12. Enact relevant legislation to provide for necessary autonomy and independence of the National Human Rights Commission in accordance with the decision of the Supreme Court of Nepal (Uganda);
- 123.13. Ensure the effective functioning of the National Human Rights Commission of Nepal, including a representative approach to appointments (Australia);
- 123.14. Submit its overdue reports on CERD and CEDAW (Portugal);
- 123.15. Further promote cooperation with the HRC special procedures, including facilitating the visits of the mandates holders to the country (Ukraine);
- 123.16. Take the necessary steps to ensure that the new constitution is implemented while protecting human rights and thus ensuring its provisions on gender equality, LGBT, and minorities (Sweden);
- 123.17. Strengthen its efforts to effectively implement existing laws and policies to eliminate all forms of discrimination (Thailand);
- 123.18. Make increased efforts to truly bring an end to discrimination (Japan);
- 123.19. Increase efforts to protect women from violence and discrimination, in particular in areas affected by the earthquakes (Norway);
- 123.20. Step up efforts to eliminate gender inequity and implement the national strategy on ending child marriages (Botswana);
- 123.21. Guarantee the necessary personal and material resources to protect victims of gender-based violence, especially in emergency situations and as it pertains to the effectiveness of protection orders (Spain);
- 123.22. Put emphasis on suicide prevention and support to these people and their families, taking into account the despair generated by such act (Haiti);
- 123.23. Make further efforts to ensure safety in prisons for both men and women (Sweden);
- 123.24. Maintain its resolve to eliminate harmful practices against women and children (Egypt);

- 123.25. **Make increased efforts to introduce and effectively carry out new measures to deal with human trafficking of women and children (Japan);**
- 123.26. **Promptly investigate all allegations of torture, arbitrary detention, extra-judicial and summary executions and punish perpetrators (New Zealand);**
- 123.27. **Investigate allegations of extrajudicial killings and deaths in custody as well as of trafficking in human organs (Sierra Leone);**
- 123.28. **Take steps to ensure that the Truth and Reconciliation Commission and the Commission on Disappearances function in accordance with international standards, and bring the perpetrators of serious human rights violations to justice (Canada);**
- 123.29. **Strictly uphold and respect the international law prohibiting refoulement (Germany);**
- 123.30. **Further strengthen the capacity in implementing the environmental strategies and plan to combat natural disasters (Myanmar);**
- 123.31. **Ensure that its climate change related policies are informed by its human rights commitments and obligations (Philippines);<sup>3</sup>**
- 123.32. **Continue its efforts in adopting development policies which meet the needs of the people and improve the standard of living of the citizens in order to protect and promote human rights (Yemen).**
124. **The following recommendations enjoy the support of Nepal which considers that they are already implemented or in the process of implementation:**
- 124.1. **Consolidate the constitution building and democratization process by accommodating all sections of Nepal to enable broad-based ownership and participation (India);**
- 124.2. **Take necessary measures to ensure the guarantee in the Nepal's Constitution of full equality between men and women with respect to the nationality of their children and in accordance with Article 9(2) of the CEDAW, which Nepal has ratified (Canada);**
- 124.3. **Ensure equality between men and women in its new Constitution as well as the right of all to be free from discrimination (Nicaragua);**
- 124.4. **Implement the decision of the Supreme Court of 26 February 2015 [with regard to the incompatibility of the Truth and Reconciliation Commission and the Commission on Disappearances with Nepal's international obligations], as soon as possible (Switzerland);**
- 124.5. **Bring the 2014 Act on the Commission on Investigation of Enforced Disappeared Persons, Truth and Reconciliation into compliance with international norms, particularly with regard to the definition of amnesty, witness protection and the delays in processing complaints (Belgium);**
- 124.6. **Amend the Domestic Violence Act, in particular to clarify the definition of sexual harm and broaden the definition of domestic violence to**

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<sup>3</sup> The recommendation as read during the interactive dialogue: Ensure that its climate action is informed by its human rights commitments and obligations (Philippines).

also include threats of violence, as well as include all types of physical harm (Norway);

124.7. Amend legislation on domestic violence to encompass all forms of sexual violence, including between partners and outside marriage, in addition to threats (Spain);

124.8. Develop a national action plan to end gender-based violence and to bring rape laws in line with international standards (Australia);

124.9. Bring the laws on rape into compliance with international norms, particularly with regard to the legal definition of rape and the timeframe to file complaints (Belgium);

124.10. Effectively enforce its legislation on domestic violence and expedite the adoption of the Bill on Gender Equality and Violence against Women (Slovenia);

124.11. Enact the draft law on sexual harassment in the workplace (Algeria);

124.12. Consider adopting a national legislation on combating sexual harassment (Egypt);

124.13. Bring rape laws in line with international standards and remove the 35-day limitation on lodging a complaint of rape with the police (Republic of Korea);

124.14. Remove, or at least extend, the 35-day statute of limitations of reporting rape cases (United Kingdom of Great Britain and Northern Ireland);

124.15. Ensure the effective functioning of the National Human Rights Commission in accordance with the Paris Principles, in particular by providing the Commission with required and adequate levels of funding as well as sufficient autonomy (Republic of Korea);

124.16. Ensure the independence and financial autonomy of the National Human Rights Commission (India);

124.17. Strengthen its National Commissions, namely the National Women Commission, in order to implement the adopted policies (Portugal);

124.18. Continue making progress in the protection of women rights, consolidating existing institutional mechanisms (Venezuela (Bolivarian Republic of));

124.19. Establish a special mechanism responsible for independent child rights monitoring (Estonia);

124.20. Continue its implementation of the national plan of action on the provision of education for all, including for economically disadvantaged social groups (United Arab Emirates);

124.21. Implement fully the Fourth 5-Year National Human Rights Action Plan for 2014-2019, to collective ownership of human rights (Cuba);

124.22. Enhance measures on protecting the rights of children, women and other vulnerable groups (Lao People's Democratic Republic);

124.23. Increase awareness-raising campaigns on women's rights and the negative effects of gender-based violence (Slovenia);



- 124.24. **Implement human rights education programmes for law enforcement officials (Paraguay);**
- 124.25. **Train the public force on human rights principles, in particular on prevention of torture and ill treatment (Djibouti);**
- 124.26. **Mobilise the efforts of the international community to provide effective assistance to Nepal in accordance with national priorities (Qatar);**
- 124.27. **Study the possibility of creating a national system for the follow-up of international recommendations (Paraguay);**
- 124.28. **Consider establishing a permanent inter-ministerial committee responsible for the implementation of its international human rights obligations, inter alia, for coordinating the drafting of the national reports to the treaty bodies (Portugal);**
- 124.29. **Partner with States and organizations which have experience working with children affected by armed conflict to develop programmes designed to their need for rehabilitation and integration (Namibia);**
- 124.30. **Seek enhanced international support for economic development and reconstruction of infrastructure destroyed due to the conflict and the devastating earthquakes (Bhutan);**
- 124.31. **Continue cooperation with the UN system (Ghana);**
- 124.32. **Continue efforts to sanction discrimination and violence against women and ensure that there are adequate mechanisms for the provision of assistance and protection to women victims of crime (Mexico);**
- 124.33. **Develop public policies for the effective implementation of the Law on discrimination based on caste and untouchability (Paraguay);**
- 124.34. **Promote gender equality including through awareness raising programme to combat negative stereotyping against women (Malaysia);**
- 124.35. **Ensures full and effective implementation of the 2011 Caste-based Discrimination and Untouchability Act (Denmark);**
- 124.36. **Put in place a concrete strategy for the comprehensive implementation of the 2011 Law on Discrimination Based on Caste and Untouchability (Switzerland);**
- 124.37. **Put in place an effective mechanism for addressing the reported multiple forms of discrimination against indigenous women in Nepal (Uganda);**
- 124.38. **Ensure an inclusive dialogue with all Nepalese minority groups (Ukraine);**
- 124.39. **Assess the implementation and effectiveness of laws aimed at ending and preventing all forms of discrimination, in particular against women and Dalits, and take concrete steps to translate anti-discrimination efforts into effective practice on the ground (Czech Republic);**
- 124.40. **Work actively to abolish legal and factual discrimination based on ethnicity, gender and caste, inter alia, by developing effective and independent mechanisms for the implementation of the caste-based Discrimination and Untouchability Act (Germany);**

- 124.41. Take all necessary measures to ensure effective implementation of the Caste-based Discrimination and Untouchability Act of 2011 and to eliminate all forms of discrimination against women (Namibia);
- 124.42. Establish specific mechanisms for the investigation and punishment of possible cases of discrimination against LGBTI persons, particularly with regard to issues in relation to the administration (Spain);
- 124.43. Strengthen the protection of LGBTI people and work towards the full implementation of the current laws (Israel);
- 124.44. Guarantee respect of the principles of proportionality and necessity in all cases of use of force in conformity with the UN Basic Principles on the Use of Force and Firearms by Law Enforcement Officials (Switzerland);
- 124.45. Combat violence against women and guarantee equality of rights (France);
- 124.46. Ensure that the police provide a safe and confidential environment for women and girls to report incidents of violence, including sexual violence and incidents of trafficking, and that all complaints are recorded and effectively investigated (Netherlands);
- 124.47. Strengthen measures to combat violence against children, particularly with regard to the prevention of early and forced child marriages and child trafficking and in particular through awareness-raising campaigns among families (Belgium);
- 124.48. Take measures to enforce legislation prohibiting child labour and to facilitate access to education for all children, particularly the poor and disadvantaged (Brazil);
- 124.49. Enforce legislation prohibiting child labour, facilitate access to education for poor and disadvantaged children and reinforce labour inspections (Slovenia);
- 124.50. Reinforce and protect the rights of children, in particular by eliminating child labour and facilitating access of poor children to education (Djibouti);
- 124.51. Give specific attention to the implementation of the plan aimed at eliminating worst form of child labour by 2016 and all forms of child labour by 2020, including prohibiting child labour in the informal sector (Russian Federation);
- 124.52. Ensure the independence and impartiality of the judicial system, in particular through efforts to guarantee that the Judicial Council operates without interference from the Executive Branch of government (Canada);
- 124.53. Take measures to guarantee that all outstanding allegations of crimes are investigated and to ensure that perpetrators of human rights violations are brought to justice in proceedings which meet with international standards (Netherlands);
- 124.54. End the impunity of law enforcement authorities (France);
- 124.55. Investigate all acts of discrimination against the Dalit community (Argentina);

- 124.56. **Develop a redress mechanism to address all forms of discrimination and human rights violations in post-earthquake reconstruction efforts (Australia);**
- 124.57. **Ensure that law enforcement thoroughly investigates all claims of domestic violence, and that perpetrators are prosecuted (Canada);**
- 124.58. **Facilitate complaints from victims of gender-based violence and their access to justice, prosecute and punish the perpetrators and protect the victims (Slovenia);**
- 124.59. **Adopt effective measures for the protection of and assistance to victims of gender-based violence and ensure that all cases of gender-based violence are duly investigated and perpetrators prosecuted (Czech Republic);**
- 124.60. **Investigate all case of threat and attacks against human rights defenders (Botswana);**
- 124.61. **Investigate and prosecute those who committed human rights violations on both sides of the country's civil war and provide reparations to victims in line with international, standards under the newly-formed Truth and Reconciliation Commission (New Zealand);**
- 124.62. **Make necessary efforts to investigate crimes under international law or human rights violations that have occurred, protecting victims of such violations and guaranteeing them access to justice and full and effective reparations (Uruguay);**
- 124.63. **Implement the Supreme Court rulings of 2013 and 2015 on the Truth, Reconciliation and Disappearance Act so that investigation into human rights violations committed during the civil war, compensation for victims and reconciliation efforts are undertaken in accordance with international standards on transitional justice (Czech Republic);**
- 124.64. **Ensure the effective functioning of the Truth and Reconciliation Commission and full implementation of its recommendations, including prosecution of those responsible for violent insurgency (India);**
- 124.65. **Adopt measures to ensure the participation of women in the peace process, including the truth commissions (Costa Rica);**
- 124.66. **Implement special detention and internment centres for boys and girls, with a view to avoid their future criminalization and to promote the reintegration into society (Chile);**
- 124.67. **Amend the citizenship laws to allow citizenship through either parent (Hungary);**
- 124.68. **Ensure that provisions in the revised Constitution guarantee the equal rights of women as well as their right to acquire, retain and transfer citizenship (Sierra Leone);**
- 124.69. **Amend legislation on nationality in order to be able to grant Nepali nationality through either parent (Spain);**
- 124.70. **Implement measures to ensure that the rights to acquire, transfer and retain citizenship are extended equally to all women and their children (New Zealand);**
- 124.72. **Provide protection to the family as the natural and fundamental unit of the society (Egypt);**

- 124.73. **Ensure the right to freedom of expression online/offline in law and in practice, including by decriminalizing defamation, and to investigate all cases of threats and attacks against journalists and human rights defenders (Estonia);**
- 124.74. **Create and maintain, in law and practice, a safe and enabling environment in which journalists, media workers, human rights defenders and civil society can operate free from hindrance and insecurity, in accordance with Human Rights Council resolutions 22/6, 27/5 and 27/31 (Ireland);**
- 124.75. **Ensure that freedom of assemblies are guaranteed and lift all restrictions on peaceful protests (Cyprus);**
- 124.76. **Redouble efforts towards providing more opportunities for women's active involvement in the economic and political spheres (Mauritius);**
- 124.77. **Continue to advocate for the principle of equality between men and women in the decision making (Timor-Leste);**
- 124.78. **Speed up the process to promote more participation of women in public offices (Israel);**
- 124.79. **Ensure equal opportunities for women in the labour market (South Africa);**
- 124.80. **Continue to build on the successful programs for the creation of jobs and assistance to those most vulnerable, in the fight against poverty and social inequalities (Venezuela (Bolivarian Republic of));**
- 124.81. **Ensure implementation of legislation on the minimum wage in all sectors (South Africa);**
- 124.82. **Ensure equal remuneration for men and women workers for the same work or similar work and for the prevention of discrimination on grounds of sex (South Africa);**
- 124.83. **Ensure the freed bonded laborers' access to fertile land and their equal enjoyment of human rights, including the right to work and right to property, in line with the observations made by the Committee on Economic, Social and Cultural Rights (Finland);**
- 124.84. **Continue its fight against poverty with the support and cooperation of the international community (Bangladesh);**
- 124.85. **Continue to reduce poverty as a priority in the national development plan and improve the living standards of vulnerable groups (China);**
- 124.86. **Apply in its periodic development plans a policy on poverty reduction aimed at social and economic justice (Cuba);**
- 124.87. **Ensure effective implementation of its poverty alleviation policy as well as consider adopting a comprehensive national strategy to ensure food and nutrition security for its people (Malaysia);**
- 124.88. **Persevere in its efforts to combat poverty and facilitate access to water for rural populations (Morocco);**
- 124.89. **Adopt a comprehensive national strategy to ensure food and nutrition security for all in line with international standards (Ireland);**
- 124.90. **Pursue its efforts with a view to facilitating access to housing for marginalized and low-income groups (Morocco);**

- 124.91. Continue to implement policy measures to ensure that quality healthcare is accessible to all, particularly women and children (Singapore);
- 124.92. Take measures to ensure universal vaccination coverage (Maldives);
- 124.93. Improve access to affordable healthcare for all through the effective implementation of its policies and directives (Thailand);
- 124.94. Further accelerate the efforts aiming at decreasing the infant, child and maternal mortality rates and increasing average life expectancy (Sri Lanka);
- 124.95. Continue taking action to reduce maternal and infant mortality (Israel);
- 124.96. Continue to implement measures to ensure all women and girls have equal access to quality sexual and reproductive healthcare (New Zealand);
- 124.97. Consider drafting a law that makes basic education mandatory and free (Qatar);
- 124.98. Consider expediting its work on the draft Bill to make basic education compulsory and free (Sri Lanka);
- 124.99. Continue to increase spending on education in order to improve coverage and quality of education with the special attention to the right to education of the vulnerable groups, including poor students, girls and children with disabilities (China);
- 124.100. Implement ongoing national policies to guarantee quality education to the multi-ethnic people (Lao People's Democratic Republic);
- 124.101. Accelerate the discussions regarding the bill to make basic education compulsory and free, currently under consideration (Israel);
- 124.102. Accelerate the process of considering the Education Bill currently under consideration at the Ministry of Education (Afghanistan);
- 124.103. Ensure equal access to education for all children (Namibia);
- 124.104. Continue its efforts to improve access to education for all, including by providing adequate resources (Indonesia);
- 124.105. Ensure equal educational opportunities for all children, including girls and Dalit-children, in line with the observations made by the Committee on the Elimination of Discrimination against Women and the Committee on Economic, Social and Cultural Rights (Finland);
- 124.106. Continue to pursue policies that will increase enrolment in schools of school-going aged children, in particular girls, and children from indigenous communities and minorities (Singapore);
- 124.107. Continue strengthening successful social policies that promote access to education and health of the people, particularly for women and children (Venezuela (Bolivarian Republic of));
- 124.108. Amend current education policies to ensure an inclusive education system and implement concrete measures to increase the participation of children with disability (Norway);
- 124.109. Take measures to ensure compulsory and free primary and quality education for all (Maldives);

- 124.110. Design instruments for measuring and generating reliable and disaggregated data on persons with disabilities and remove any legal barrier and discriminatory practices towards persons with disabilities (Panama);
- 124.111. Include defenders of human rights of persons with disabilities in the decision-making process on education policies (Spain);
- 124.112. Ensure that earthquake relief engages and addresses the needs of members of vulnerable communities, including Dalits, and promotes decent work (United States of America);
- 124.113. Collaborate with civil society, regional and global organisations to protect the rights of Nepalese migrant workers abroad (Australia);
- 124.114. Continue making progress in the implementation of measures to offer assistance and rehabilitation to persons displaced due to natural disasters (Colombia);
- 124.115. Continue to engage its partners with the view to build capacity and mobilize resources in support of its development efforts and in fulfilling its human rights obligations (Philippines);
- 124.116. Continue to implement policies for women development under SDGs (Pakistan).
125. The following recommendations will be examined by Nepal which will provide responses in due time, but no later than the 31<sup>st</sup> session of the Human Rights Council in March 2016:
- 125.1. Study the possibility of accepting the competence of the Committee against Torture (Panama);
- 125.2. Study the possibility of the ratification of the Optional Protocol to CAT (Panama);
- 125.3. Accede to the Optional Protocol to the Convention against Torture (New Zealand) (Czech Republic);
- 125.4. Ratify the Optional Protocol to the Convention against Torture (Montenegro) (Denmark) (Uruguay) (Ghana) (Germany);
- 125.5. Sign and ratify OP-CAT (Portugal);
- 125.6. Sign OP-CAT (Sweden);
- 125.7. Ratify the ICRMW (Timor-Leste) (Sierra Leone);
- 125.8. Consider ratifying ICRMW (Philippines) (Egypt);
- 125.9. Continue its consideration to ratify the ICRMW (Indonesia);
- 125.10. Ratify the International Covenant for the Protection of All Persons from Enforced Disappearance (ICPPED) (Argentina) (Sierra Leone) (France) (Japan) (Ghana);
- 125.11. Ratify and implement the International Convention for the Protection of All Persons from Enforced Disappearance, (Paraguay);
- 125.12. Consider ratifying the Palermo Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially women and children (Egypt);
- 125.13. Ratify the Rome Statute of the International Criminal Court (Switzerland) (Portugal) (Germany) (Ghana);

- 125.14. **Ratify and implement the Rome Statute (Paraguay);**
- 125.15. **Ratify the Rome Statute of the International Criminal Court and incorporate its provisions into national legislation; and accede to the Agreement on Privileges and Immunities of the Court (Estonia);**
- 125.16. **Ratify and implement in the national legislation the Rome Statute of the International Criminal Court (Costa Rica);**
- 125.17. **Ratify the Rome Statute of the ICC and implement it in its national legislation (Hungary);**
- 125.18. **Accede to the Rome Statute of the ICC (Czech Republic);**
- 125.19. **Accede to the Rome Statute of the International Criminal Court and the Convention on the Non-Applicability of Statutory Limitations to War Crimes and Crimes Against Humanity (Uruguay);**
- 125.20. **Accede to and fully align its national legislation with the Rome Statute of the International Criminal Court (Latvia);**
- 125.21. **Take all necessary measures towards acceding to the Rome Statute of the International Criminal Court (Cyprus);**
- 125.22. **Ratify ILO Convention No. 87 (Algeria);**
- 125.22bis **Consider amending the Constitution to allow women to convey their citizenship to their children and foreign spouses on an equal basis with men (United States of America);**
- 125.23. **Enact consolidated laws addressing all types of sexual violence effectively, with provisions of no statutory limitation on rape and other sexual violence, adequate witness and victim protection mechanisms, compensation from state and measures to address special needs of girls below 16 (Norway);**
- 125.24. **Decriminalize the act of attempted suicide (Haiti)<sup>4</sup>;**
- 125.25. **Accept the request of visit by the Special Rapporteur on the promotion of truth, justice, reparation and guarantees of non-recurrence, the Special Rapporteur on human rights defenders, the United Nations Working Group on enforced or involuntary disappearances and cooperate fully with the mandate holders (Hungary);**
- 125.26. **Accept the requests to visit the country made by some special procedures, including the request made by the Special Rapporteur on the promotion of truth, justice, reparation and guarantees of non-recurrence (Uruguay);**
- 125.27. **Amend the 2014 Commission on Investigation of Disappeared Persons, Truth and Reconciliation Act (TRC) in compliance with the Supreme Court ruling of 26 February, 2015 in order to uphold international standards relating to accountability for gross violations of international human rights and international humanitarian law (Denmark);**
- 125.28. **Raise the age of criminal responsibility of children that currently stands at 10 years of age (Chile);**

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<sup>4</sup> The recommendation as read during the interactive dialogue: Decriminalize suicide (Haiti).

125.29. Take measures to implement the Supreme Court's decision concerning same sex marriage (Brazil).

126. The recommendations below did not enjoy the support of Nepal and would thus be noted:

- 126.1. Ratify the Optional Protocol to ICESCR (Uruguay);
- 126.2. Sign and ratify the OP-ICESCR (Portugal);
- 126.3. Ratify the Optional Protocol to the Convention on the Rights of the Child on a Communications Procedures (Slovakia) (Chile) (Montenegro);
- 126.4. Consider ratifying ILO Convention No. 189 (Philippines);
- 126.5. Ratify the Conventions on refugees and stateless persons (Portugal);
- 126.6. Ensure the protection of Tibetan refugees by ratifying and applying the 1951 Convention relating to the Status of Refugees and its 1967 protocol (France);
- 126.7. Consider amending the Constitution to strike provisions that appear to curtail religious freedoms (United States of America);
- 126.8. Set up an independent Commission for children and women (India);
- 126.9. Issue a standing invitation to the special procedures of the Human Rights Council (Switzerland);
- 126.10. Issue a standing invitation to the special procedures of the Human Rights Council (Czech Republic);
- 126.11. Extend a standing invitation to the special procedures mechanisms to visit the country (Costa Rica);
- 126.12. Extend a standing invitation to all Special Procedure mandate holders (Latvia);
- 126.13. Extend a standing invitation to special procedures (Uruguay);
- 126.14. Consider extending a standing invitation to the mandate holders of all special procedures of the Human Rights Council (Republic of Korea);
- 126.15. Strengthen the rule of law by establishing an independent complaints commission capable of investigating and prosecuting complaints against the security forces (United Kingdom of Great Britain and Northern Ireland);
- 126.16. Eliminate the prohibition of conversion to another religion, which undermines freedom of religion (Spain);
- 126.17. Provide refugees and their families with identification certificates making sure that all children of refugees have access to education, and repeal restrictions on refugees' rights to own property, to work, to establish and incorporate businesses and to travel freely (Germany);
- 126.18. Register refugees and provide documentation so they are able to work, access education, and travel (United States of America).

127. With regard to the recommendations noted above in paragraphs 126.1 and 126.2, Nepal considers that the current priority of the Government of Nepal is to effectively fulfil its obligations created by the international instruments to which it is a party. The Government will be effortful to join more international instruments by considering our national interest and existing implementation capacity. More importantly, the supreme



priority of the new government of Nepal is to implement the new constitution promulgated on 20 September 2015, which has guaranteed more than 32 human rights and created specific obligations to institutionalize substantive equality and egalitarian society. Moreover, the Government has pursued the policy to build requisite infrastructure before joining any international instruments.

128. With regard to the recommendations noted above in paragraph 126.3, Nepal considers that current priority of the Government of Nepal is to effectively fulfil the obligations created by the international instruments to which it is a party. The Government will be effortful to join more international instruments by considering our national interest and existing implementation capacity. More importantly, the supreme priority of the new government of Nepal is to implement the new constitution promulgated on 20 September 2015, which has guaranteed more than 32 human rights and created specific obligations to institutionalize substantive equality and egalitarian society. Moreover, the Government has pursued the policy to build requisite infrastructure before joining any international instruments.

129. With regard to the recommendation noted above in paragraphs 126.5 and 126.6, the Government of Nepal has no intention to join the refugee convention and its protocol because of its open border with neighbouring country, small size of the country and limited resources.

130. With regard to the recommendation noted above in paragraph 126.7, Nepal considers that the Constitution promulgated by the elected Constituent Assembly fully ensures religious freedom to all people, and prohibits discrimination of any forms on ground of religious faith and philosophy. Every person is free to choose, adopt, profess or practice religious belief.

131. With regard to the recommendation noted above in paragraph 126.8, Nepal considers that the National Human Rights Commission is empowered to undertake necessary actions for the protection, promotion and monitoring of child rights situation on the basis of the principle of the best interest of the child. The Government of Nepal views that the establishment of a separate Commission for children will create duplication and coordination problem between the mandates of National Human Rights Institutions. The new Constitution has upgraded National Women Commission as independent constitutional body.

132. With regard to the recommendations noted above in paragraphs 126.9 to 126.14, the Government of Nepal is committed to further strengthen its engagement with the Special Procedures and UN human rights mechanisms. As of now, ten Special Rapporteurs/Mandate holders have already visited on different occasions. Last year, Nepal had agreed the visit request of two Special Rapporteurs, namely, Special Rapporteur on Migrants and Special rapporteur's on rule of on independence of judges and lawyers. But it has not been taken place. We will consider the remaining request of country visit of the mandate holders and Special Procedures. In order to make the country visit more effective and fruitful, we will invite the mandate holders and Special Procedures on case to case basis.

133. With regard to the recommendation noted above in paragraph 126.15, Nepal considers that as per the prevailing laws of Nepal, no security personnel can enjoy immunity from criminal liability in case of human rights violation. In such case, the legislation of Nepal provides adequate mechanisms to investigate and prosecute the alleged perpetrators and bring them to justice. National Human Rights Commission, an independent constitutional body, is empowered to effectively monitor the situation of human rights violation.

134. With regard to the recommendation noted above in paragraph 126.16, Nepal considers that the constitution promulgated by the elected Constituent Assembly fully ensures religious freedom to all people, and prohibits discrimination of any forms on ground of religious faith and philosophy. Every person is free to choose, adopt, profess or practice religious belief. However, proselytism by force or undue influence or inducement is prohibited. This does not undermine freedom of religion.

135. With regard to the recommendation noted above in paragraphs 126.17 and 126.18, Nepal states it is not a party to the Refugee Convention and its protocol. However, it has provided temporary shelter to refugees on humanitarian ground. The refugees who enter into Nepal before 1990 had been provided refugee status who are free to enjoy the rights and liberty in accordance with the prevailing laws of Nepal. The Government of Nepal has pursued not to recognize foreigners as refugees. Nevertheless, the Government is effortful to update the records of such foreigners and their children in order to remove difficulties of their children to enjoy right to education.

**136. All conclusions and/or recommendations contained in the present report reflect the position of the submitting State(s) and/or the State under review. They should not be construed as endorsed by the Working Group as a whole.**

## Annex

### Composition of the delegation

The delegation of Nepal was headed by **Hon. Mr. Kamal THAPA, Deputy Prime Minister and Minister for Foreign Affairs** and composed of the following members:

1. Mr. Kamalshali GHIMIRE, Secretary, Office of the Prime Minister and Council of Ministers;
2. Mr. Narendra Man SHRESTHA, Secretary, Truth and Reconciliation Commission;
3. Mr. Mahesh Sharma POUDEL, Secretary, Commission of Investigation on Enforced Disappearances;
4. H.E. Mr. Deepak DHITAL, Ambassador/Permanent Representative, Permanent Mission of Nepal to the UN, and other International Organizations, Geneva;
5. Mr. Ramesh DHAKAL, Joint Secretary, Office of the Prime Minister and Council of Ministers;
6. Mr. Uttar Kumar KHATRI, Joint Secretary, Office of the Prime Minister and Council of Ministers
7. Mr. Dilli Raj GHIMIRE, Joint Secretary, Ministry of Law, Justice and Parliamentary Affairs;
8. Mr. Dhanraj GNYAWALI, Joint Secretary, Ministry of Home Affairs;
9. Mr. Maniram OJHA, Joint Secretary, Ministry of Finance;
10. Ms. Radhika ARYAL, Joint Secretary, Ministry of Women, Children and Social Welfare;
11. Mr. Tara Prasad POKHAREL, Joint Secretary, Ministry of Foreign Affairs;
12. Mr. Bharat Kumar REGMI, Under Secretary, Ministry of Foreign Affairs;
13. Mr. Suresh ADHIKARI, Deputy Permanent Representative/Counsellor, Permanent Mission of Nepal to the UN and other International Organizations, Geneva;
14. Ms. Ranju GAUTAM, Section Officer, Office of the Prime Minister and Council of Ministers.