

**Opening Remarks by Dr. Somlal Subedi, Chief Secretary of the Government  
of Nepal at the 31<sup>st</sup> session of the Human Rights Council during the  
consideration of Universal Periodic Review Report of Nepal**  
*(Geneva, 16 March 2016)*

Mr. President,  
Excellencies,  
Distinguished Delegates,  
Ladies and Gentlemen,

First of all, let me extend warm felicitations to all of you on behalf of the Nepalese delegation, and present additional information on our human rights situation to this Council.

My delegation includes the Secretary at the Office of the Prime Minister and Council of Ministers, Mr. Kamalshali Ghimire, Ambassador and Permanent Representative of Nepal to the UN in Geneva, His Excellency Deepak Dhital, Joint Secretary at the Office of the Prime Minister and Council of Ministers, Mr. Ramesh Dhakal, Joint Secretary at the Ministry of Law, Justice and Parliamentary Affairs, Mr. Dilli Raj Ghimire, and Counsellor at the Permanent Mission of Nepal to the UN in Geneva, Mr. Suresh Adhikari.

On this occasion, I would like to share our considered views on the recommendations received during the UPR Working Group Session held in November last year, with update of the subsequent progress we have made since then.

Mr. President,

The Government of Nepal held extensive discussions with the national human rights institutions, civil society organizations and the media in respect of the

recommendations received during the interactive dialogue. Relevant government institutions have also been consulted.

We welcome all 32 recommendations listed under paragraph 121 of the Report. 115 recommendations listed under paragraph 122 of the Report also enjoy our support because they are issues either under implementation or in the process. We take note of the recommendations listed under paragraph 124 of the Report. In relation to the 30 recommendations listed under paragraph 123 of the Report, five enjoy our support and 25 recommendations would be noted. Hence, of the total 195 recommendations received, Nepal accepts 152 recommendations and takes note of the rest.

The Government of Nepal looks at all the recommendations with respect. So far as the recommendations related to ratification of some additional international treaties are concerned, we would like to state that Nepal has pursued the strategy of developing requisite policy, legal and institutional infrastructures, and building and strengthening the implementation capacity before taking up additional treaty obligations. We believe that effective implementation of a treaty is as important as joining it. Therefore, our focus is building more capacity for effective implementation.

Mr. President

Nepal is now engaged in making legal infrastructures to give effect to the Constitution of Nepal promulgated on 20 September 2015. The Constitution is founded on inclusive democratic norms and values, and it includes such distinguished features as multi-party democracy, fundamental rights, periodic elections, independent judiciary and the rule of law. The Constitution envisions federal democratic republican system of governance, with inclusive and proportional participation to develop Nepal as a prosperous nation.

Mr. President,

I would like to mention that the Legislature-Parliament made first amendment to the Constitution of Nepal on 23<sup>rd</sup> January this year to address the concerns of *Madhesh*-based political parties to make it more inclusive. The amendment further ensures proportional inclusion of women, Dalits, indigenous nationalities, Madheshis, Tharus, Muslims, minorities, persons with disabilities, and marginalized and disadvantaged people in the State structures. It also ensures the delineation of electoral constituencies based on population as well as geography. The remaining issues, if any, will be addressed through political dialogue and consensus. They will also be further addressed in the course of implementation of the Constitution through different tiers of government to be designed and operationalized in the days ahead.

In addition, it may be noted that this amendment addresses the feelings underlying a number of recommendations made by the Members and Observer States.

Mr. President,

A comprehensive set of civil and political as well as economic, social and cultural rights guaranteed by the Constitution form the core of fundamental rights, guaranteeing principles of equality and non-discrimination.

Realization of the ideals and aspirations embodied in the Constitution, which are in line with the Universal Declaration of Human Rights and the human rights treaties to which Nepal is a party, depends on its effective implementation. This is challenging for a resource and capacity constrained country like Nepal.

Now that Nepal has embarked upon federal structure, with inclusive state restructuring to end discrimination and inequality in any form, the Government is putting in place legislative and institutional frameworks that ensure gender responsive and inclusive approach to the implementation of the Constitution.

Mr. President,

A steering committee, with a mandate of coordination among relevant ministries, has reviewed the existing laws to find out legal gaps, identify laws that are inconsistent with the constitutional provisions, and areas requiring new laws under the Constitution. A preliminary assessment indicates that a number of federal, state and local laws should be enacted to give effect to the Constitution. This calls for expeditious legal reforms on almost all of the existing legislations.

Mr. President,

At a time when the Government of Nepal is heavily engaged in legal reforms for the effective implementation of the Constitution, the recommended output of this UPR would also help in harmonizing legal infrastructures looking at national and international perspectives.

Mr. President,

The Government of Nepal is fully committed towards ensuring transitional justice. Two separate Rules for the Truth and Reconciliation Commission and Commission on Investigation of Enforced Disappeared Persons have been approved by the Council of Ministers in line with the Supreme Court's ruling of 26<sup>th</sup> February 2015. The rules that specifically elaborate measures for effective implementation of the Transitional Justice Mechanisms include:

1. Cases sub judice in courts of law are not to be transferred to the Commissions.
2. Reconciliation between the victim and the perpetrator can be made only with informed prior consent of the victim.
3. Recommendation for amnesty may be made only with prior consent of the victim.
4. The Commissions are empowered to forward cases directly to the Office of the Attorney General for prosecution against the offenders.

In relation to the remaining issues, if any, the Government of Nepal will take action as necessary and appropriate, including revision of the Act on the Enforced Disappearances Enquiry, Truth and Reconciliation Commission, 2014.

The Truth and Reconciliation Commission has organized consultations in 52 districts and the Commission on Enforced Disappeared Persons in 40 districts to receive feedbacks from the victims and stakeholders. Now, they are in the process of receiving complaints regarding the enforced disappearances and human rights violations committed during the conflict period.

Mr. President,

The National Reconstruction Authority formed to address the post-earthquake reconstruction and rebuilding has already integrated and carried forward the Government's previous efforts and started its operations. It will do everything in its capacity to address the needs of the victims as well as the rebuilding of damaged infrastructures.

Mr. President,

We reiterate the importance of strict adherence to the principles of universality, objectivity and non-selectivity by all human rights mechanisms under the United Nations. Furthermore, we are committed to the UPR mechanism, and to constructive engagement with the UN human rights system for respect to the universal values of human rights and their protection and promotion.

We are always open to your constructive comments, observations and suggestions. We have embarked upon the process of implementing the high ideals and values of human rights embodied in the Constitution.

I thank you for your kind attention!

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