

**NHRIs Nepal's response to
UPR Final Report Submitted by the Government of Nepal**

Submitted by
Gauri Pradhan, Commissioner, NHRC-Nepal

June 7, 2011- Geneva

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On behalf of NHRIs-Nepal, namely National Human Rights Commission (NHRC), National Women's Commission (NWC) and National Dalit Commission (NDC), allow me to extend our sincere appreciations to the Chairperson for the opportunity provided to us for this submission. It would be unfair if I failed to extend our appreciations to all the distinguished delegates from various countries who eloquently expressed their concerns on a number of human rights issues in Nepal. We respect and appreciate to all their concerns.

We appreciate the Government of Nepal for its submission of UPR final report to the Human Rights Council. We would commend to the increased efforts of the government towards the promotion and protection of human rights in the country. To mention few are the government's encouraging report on implementation of NHRC's recommendations into action, to requests for invitation to visit of special procedures, and ongoing progress in peace process and constitution making. We are thankful to the Legislature Parliament for the passage of Bill on Caste-based Discrimination and Untouchability (crime and punishment) and ratification of UN Convention against corruption in the recent past. However NHRIs expect stronger determination of the government to maintain rule of law by effective implementation of laws and recommendations of NHRC and NWC relating to prosecution and departmental actions to the perpetrators of human rights violation and violence.

Currently the country has been on the way of transformation to peace and democracy from a decade old armed conflicts. Indeed it is very hard and challenging to deliver the transitional justice and peace for a meaningful conclusion. General people have huge expectations and major among them are the need of the environment conducive to peace, popular participation toward democracy, sustainable development and enjoyment of human rights that include living together with family at their native homes and searching identity of missing kin and friends. Despite difficulties, at the moment we have the opportunities to address a number of social justice and human rights related issues regarding

marginalized and deprived groups followed by women, children, persons with disabilities and minorities which were considered major causes behind decade old conflict. The NHRIs expect strong determination of the Government and other stakeholders including Constituent Assembly toward this end.

The state of impunity has emerged as a menace for the society. Despite commitments by larger political parties, years ago, the formation of Truth and Reconciliation Commission and Disappearance Commission, for that NHRC has already recommended, are unacceptably delayed. This situation impliedly create space for re-victimization and wide spread increase in the culture of impunity, as there is a fear of either lose, damage or destroying evidence.

The NHRC itself has impediments in its functioning, as the draft Bill on NHRC and NDC has yet to be enacted into law, and building complete team by recruiting professional staffs. The NHRIs and OHCHR-Nepal in collaboration with the wider network of CSOs worked together to ensure that the Bill on NHRC and NDC that would comply with the Paris Principles on the independence of NHRIs. However we are still unsure about the time for the passage of Bill.

Despite several specific legislations, crime against women and children including gender based violence in the form of rape, domestic violence; trafficking and sexual harassment remain largely unaddressed. Basic minimum standards in detentions and prisons need to be maintained to respect the rights of prisoners. NHRIs call on the government of Nepal to ratify the Optional Protocol of Convention on Torture and introduce appropriate law to prosecute the perpetrators of torture and compensate the victims.

The NHRIs in Nepal held a number of dialogue and advocacy programs with the Government, Political Parties and CSO for the effective implementation of the historical Comprehensive Peace Accord, 2006 in the preceding years. NHRIs strongly demanded with the Constituent Assembly to ensure that human rights values, principles and standards are enshrined in the forthcoming constitution.

We firmly believe that such efforts would lead to ensure lasting peace and sustainable democracy in which human rights and fundamental freedoms are realized by all the segments of people in the country.

Thank you very much.