



## Women's International League for Peace and Freedom

Ligue Internationale de Femmes pour la Paix et la Liberté  
Liga Internacional de Mujeres por la Paz y la Libertad

Consultative Status with UN ECOSOC, UNCTAD and UNESCO; Special Consultative Relations with FAO, ILO, and UNICEF.

### **Universal Periodic Review 10<sup>th</sup> Session: Nepal**

The Universal Periodic Review of Nepal took place on 25 January, 2011. First Deputy Prime Minister Sujota Koirala presented the National Report to the UPR Working Group, and addressed the country's recent turbulent history in the introductory remarks. In 2006, the Comprehensive Peace Accord (CPA) was signed, ending the ten year long armed conflict between government forces and Maoist rebels. An Interim Constitution was promulgated in 2007, creating an interim Legislature-Parliament and government, and a Constituent Assembly was elected in 2008.

The delegation stressed that Nepal is undergoing a profound socioeconomic and political transformation, but as a multiethnic, multilingual and multi-religious country, it stays committed to human rights and pluralism. The Prime Minister further stated Nepal's constructive engagement in the international community, as part to several international treaties such as CEDAW, CAT and CRC. The session's central issues – discrimination and impunity – were addressed already in the delegation's introductory remarks, stating the government's mission to eliminate discrimination and end impunity. Measures taken, such as the installment of Nepal's National Human Rights Commission monitoring complaints and coordinating financial remedies for victims, and anti-discriminatory actions through several National Action Plans to protect minorities, were presented. Furthermore, the delegation stated its commitment to combat trafficking and other forms of violence against women, through gender mainstreaming, commitment to the global strategy for women, and efforts such as the year-long campaign against domestic violence of 2010. Re-integration of Maoist ex-combatants into society was another central priority of the government.

During the interactive dialogue all delegates congratulated Nepal on the return of democracy, and commended the government's commitment to human rights. Several countries highlighted the struggles of Nepal as a landlocked Least Developed Country in a post-conflict stage, and their understanding of the country's constraints in this sensitive and complex transition phase. Nepal was also commended for its positive achievements in the efforts to reach the Millennium Development Goals (MDG:s). Despite the armed conflict, Nepal has seen significant social progress in recent years, especially in the areas of education and health. The country's Human Development Index has risen by 104% since the 1980s, and Nepal received the 2010 UN Millennium Development Goals Award for its exceptional progress towards reducing maternal and child mortality. While all countries emphasized this progress it was clearly stated that while great steps have been taken, Nepal faces serious challenges at this critical juncture of its history. A consensus was reached that generous, constructive assistance and support from the international community is fundamental to ensure further democratic rule and social progress in Nepal. The country was encouraged to stay in close cooperation with various UN agencies to ensure capacity building and assistance in the process of nation building, with human rights at the center of economic and social transformation. It was further agreed that Nepal needs to strengthen its human rights framework and install transitional justice mechanisms. All citizens' full enjoyment of human rights and justice was emphasized as crucial to overcome discrimination and social exclusion, and to achieve sustainable peace, security and development in Nepal.

Several issues were raised by the majority of delegations regarding poverty alleviation and the elimination of discrimination. The Nepalese government was recommended to continue its work and strengthen efforts to alleviate poverty, encourage development, and provide assistance to all

people. Closely connected to poverty is the issue of discrimination. The pervasive class and caste system in Nepal remains a barrier for many people and is a strong reason for concern. Therefore, all delegates asked the government for further measures to eliminate all kinds of discrimination against marginalized groups such as women, children and Dalits. Legal measures were requested, especially steps to enact a law criminalizing discrimination, and to review the current legal framework to remove laws with discriminatory amendments. Several countries also requested the government to ensure employment, education and health services are provided to all minority groups.

### **New Constitution**

The process of framing a democratic Constitution has been an ongoing work of the Constituent Assembly, and steps to accelerate the completion and adoption of the new Constitution in time for May 2011 should be increased. The new Constitution should be in line with international treaties, and the government must ensure full participation of minority groups in the Constitution making as well as in the parliament.

**Intervening countries:** Poland, Egypt, China, Korea, France, Bolivia, Holy See.

### **National Human Rights Commission and National Action Plans**

To strengthen the National Human Rights Commission in accordance with the Paris principles should be a priority of the government, and it should be sufficiently funded and independent. The government should further make sure to implement the recommendations of the Commission. Nepal was also asked to continue its work on the National Actions Plans mentioned in the introductory statement, and to quickly implement the existing National Action Plan on Human Rights. An additional National Action Plan for Children was requested.

**Intervening countries:** India, Korea, Canada, France, Netherlands, Norway, Bolivia, Saudi Arabia, United Kingdom, Australia. Egypt, China, Russia, Algeria.

### **Ratification of the 1951 Refugee Convention**

The many refugees and Internationally Displaced Persons (IDP:s) within Nepal after the conflict was a concern brought up by several delegations. United States stated that it expected Nepal to continue protecting vulnerable refugee groups. Nepal was recommended to sign and ratify the key Refugee Convention of 1951 and its 1967 Protocol. Refugees and asylum seekers should be at the center of the government's attention, especially refugee children, and they should be ensured economic, social, and cultural rights. Nepal was further urged to promote displaced persons with the help of UNHCR.

**Intervening countries:** Slovenia, Japan, Switzerland, Algeria, Moldavia, Netherlands, USA. Nepal was also encouraged to ratify the Rome Statute by Japan and Germany.

### **Women's rights**

Several issues were brought up concerning the rights of women in Nepal, in connection to both discrimination and the challenges of the post-conflict stage. Several delegates wanted more information on the measures taken to promote and protect women's rights during the transitional phase. Women's low participation in politics and the judiciary was highlighted and the Nepalese government was urged to promote the inclusion of women, and their participation in local institutions. It was further recommended to ensure continued funding to Dalit and Women Commissions'. Violence against women was a highlighted issue – the delegation was commended for its efforts to combat violence against women, but was also urged to increase its steps to eliminate violence against women and ensure that it is thoroughly investigated and prosecuted. Gender mainstreaming, mandatory training of the police force, and additional legislative steps to end trafficking in women and children was strongly encouraged. Other lines of questioning

concerned the National Action Plan for the purpose of eliminating violence against women and the rehabilitation programmes for women and children affected by the armed conflict.

**Intervening countries:** Germany, Japan, Brazil, Bhutan, Netherlands, Australia, Egypt, Bahrain, Azerbaijan, Turkey, Finland. India, Slovenia, Spain, Thailand, United States, New Zealand.

### **Rights of Children**

Many countries expressed concerns over the rights of children in Nepal, and for the government to extend its efforts to ensure children's rights and especially to ratify child policies and implement the Convention of the Rights of the Child that was ratified in 1999. The government was asked to increase steps to better protect children, especially regarding child marriage, child labour, sexual exploitation such as trafficking, and to eliminate current law that accepts corporal punishment of children. Special emphasis was put on children of displaced persons and former child soldier's rights and rehabilitation, especially to ensure their access to education and health. The rights of Dalit girls to full educational cycle and employment was emphasized.

**Countries intervening:** Spain, Austria, Canada, Bhutan, Finland, Turkey, Hungary, Thailand, Italy, Poland, Azerbaijan.

### **Human Rights Defenders**

Human Rights Defenders, activists and journalists should receive increased protection. The Czech Republic emphasized the vulnerability of Women's Human Rights Defenders, and recommended the Nepalese government to increase measures taken to ensure their safety. Concerns of restrictions of the freedom of expression were raised, and Nepal was also urged to allow peaceful protests.

**Countries intervening:** Czech Republic, Canada, France, United States.

### **Impunity**

A key issue during the interactive dialogue was concerns from the delegates regarding the alarming reports of torture, extrajudicial killings, disappearances and the climate of impunity undermining law and order in Nepal. All delegates stated that these reports of violations of human rights should be investigated and steps should be taken to end impunity. A special independent unit or complaint mechanism should be set up to prosecute crimes that are allegedly committed by the army and the police force. In connection to this and to clarify crimes during conflict, a Truth and Reconciliation Commission should be set up. The government was urged to extend a standing invitation to UN Special Procedures to visit Nepal and investigate cases of torture, disappearances and killings. In connection to this, Nepal was encouraged to ratify the Declaration on the Protection of all Persons from Enforced Disappearance of 1992, and the Optional Protocol to the Convention Against Torture, enact domestic legislature to criminalize torture and remove the death penalty.

**Countries intervening:** Australia, Austria, Italy, Argentina, Hungary, Japan, Czech Republic, Switzerland, Denmark, Sweden, Maldives, Chile, Norway, New Zealand, Netherlands, Slovenia, Turkey, Spain, Canada, South Korea, France, United Kingdom, Germany, United States.

Other lines of questioning from delegates concerned measures taken to guarantee and increase the rights of people with disabilities, measures taken to ensure that no discrimination on the basis of sexual orientation occurs, and that freedom of religion is exercised in Nepal.

### **Response from Nepalese Delegation**

The delegation responded by stating that a rights-based, holistic approach is taken to combat all of the issues mentioned by the delegates. The government is working hard to achieve several MDG:s and to create employment opportunities. It has created a poverty alleviation fund and succeeded in bringing poverty rates down from 42% to 25% in 2009. Currently, Nepal offers free education up to

8<sup>th</sup> class, and up to 12<sup>th</sup> class for marginalized groups, and affirmative action mechanisms are in place to ensure minorities access to education. The Constitutive Assembly of 2008 is drafting an inclusive, democratic Constitution that encompasses all human rights, with the intention to be finished in time. The delegation further stated that Nepal has signed many international treaties, but have the approach to make sure that conditions are met for implementation before signing additional ones. Regarding the issue of impunity, the government is ensuring the rule of law is followed, and guarantees the fundamental rights of all people. At this moment, it tries to address both the past and the future, which includes working on a Truth and Reconciliation Committee, strengthening the police force, and including human rights divisions on all levels of work. To strengthen the National Human Rights Commission is a priority, and it is currently independent and financed by a grant. The reported violations made by security forces are isolated events - Nepal's army is professional and disciplined. The delegation also denied any forceful deportations of refugees taking place. In the response to the suggested mechanisms of accountability, the delegation stated that no need exists to install additional mechanisms as bodies of the police and army already are investigating reported cases.

The delegation showed no intention to become a party to the Refugee Convention and Protocol, but replied that they will still house thousands of refugees on humanitarian grounds.

The delegation ensured its commitment to the rights of minority groups. Currently, more than 200 out of the 600 seats in parliament are held by indigenous people. Children's rights are a government priority, and a large part of budget is allocated for it. Unfortunately, geographical difficulties exist that creates obstacles providing all people with the necessary health services, but the government is working hard to change this.

Read the full reports [here](#).

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In conjunction with the UPR of Nepal, WILPF together with WOREC Nepal and Isis-WICCE held a roundtable seminar with the aim of discussing the nature and extent of violence against women in Nepal, the difficulties in accessing justice and the absolute need to develop strategies to implement the recommendations made.

The link to the outcome document with recommendations can be found under “Outcome document Nepal” next to this link on the international website.