



General Assembly

Distr.: General
25 February 2016

English only

Human Rights Council

Thirty-first session

Agenda item 6

Universal periodic review

Written statement^{*} submitted by the Global Network for Rights and Development (GNRD), a non-governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[14 February 2016]

^{*} This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).



Nepal UPR

The Global Network for Rights and Development (GNRD) would firstly like to commend Nepal on its efforts to protect human rights through the adoption of the new constitution in September 2015, in particular through seeking to ensure equality and outlawing capital punishment. However, GNRD believes this Constitution, while a positive step in the right direction, does not go far enough to protect the rights of the vulnerable and the marginalized, particularly Nepal's ethnic minorities and indigenous populations, as well as women and girls who are subject to high levels of gender-based violence. This failure to address the rights of marginalized groups, was the primary trigger causing months of protests, leading to many injuries and deaths, as well as essential aid supplies for victims of the earthquakes being stranded at the border and unable to reach the places that need it the most. Furthermore, vulnerable groups in Nepal continue to find it very difficult to get access to justice and human rights defenders have repeatedly been arbitrarily arrested and attacked for trying to protect vulnerable groups. It is therefore vital that the new Constitution is respected and followed, but also that is considered as a base upon which human rights protections must be built and reinforced if Nepal is to comply with its international human rights obligations and ensure the vulnerable are protected.

A human rights focus is especially important in Nepal in the wake of the destruction caused by last year's deadly earthquakes. A total of 8,891 people were confirmed dead, over 14,500 injured, 605,254 houses destroyed and 288,255 houses damaged.¹ Furthermore, 188,900 people were temporarily displaced as a result of their houses being destroyed or damaged, with many travelling long and arduous journeys to secure essential supplies for themselves and their families. Around a third of them are still believed to be displaced.

This humanitarian crisis demanded an immediate and effective response from Nepal's government. Nepal made an official request for international help within hours of the first earthquake, and Nepal's National Disaster Response Framework coordinated efforts in the earthquake response. The international community was quick to respond and over 60 countries, as well as the UN and international agencies, provided active support and contributed with emergency relief and humanitarian assistance. However, despite this GNRD believes the government of Nepal did not do enough in the crucial stages after the earthquakes struck to provide aid and shelter to those in remote areas of Nepal. Prior to the earthquakes, Nepal did not have a national, integrated search and rescue capacity. Yet, Nepal ranks 11th in the world in respect of vulnerability to earthquakes,² and therefore Nepal should have more thorough contingency plans in place to actively respond to such a crisis in an effective manner, to help reduce the scale of devastation. Such a plan is pertinent, especially when considering that around 84% of Nepal's population live in rural areas. Many people affected by the disaster are highly vulnerable and during humanitarian action it is extremely important that these people are protected and have access to humanitarian aid. Yet, people in remote villages simply watched as helicopters with aid fly over them and their villages.

Aid struggled to get into the country and people, particularly tourists struggled to get out of the country, largely because Nepal did not have the capacity to cope with such a large scale operation. Those in Katmandu crammed on overly crowded buses heading out of the city centre as locals feared for their safety from ensuing aftershocks causing more devastation. Nepal should have provided more transportation and earlier to enable more people to get to safety.

By July 2015, several months after the earthquakes struck, the average perception amongst the Nepalese population was that only 32% felt that aid was being fairly distributed. While this figure rose to 42% by September, this is still a disturbingly low figure.³ Furthermore, around 117,000 Nepalese did not receive food assistance in October 2015 and health facilities reported a shortage of important medical supplies.⁴ Although the Reconstruction Authority Bill was

¹ UNDP, NEPAL EARTHQUAKE Humanitarian Response, April to September 2015, www.unocha.org/nepal (http://reliefweb.int/sites/reliefweb.int/files/resources/nepal_earthquake_humanitarian_response_report_lr.pdf)

² ISDR, Global Assessment Report on Poverty and Disaster Risk 2009 (http://www.undp.org/content/dam/nepal/docs/reports/UNDP_NP_Nepal%20Country%20Report.pdf)

³ UNOCHA, Nepal Earthquake: Humanitarian Snapshot (as of 31 Oct 2015) (http://reliefweb.int/sites/reliefweb.int/files/resources/151030_HumanitarianSnapshot_final.pdf)

⁴ *Ibid*

finally approved and endorsed by Nepal's parliament in mid-December 2015, the eight month delay in negotiating and debating this bill is highly worrying when more urgent action was required due to the scale of this humanitarian crisis. This is especially concerning since Nepal is rather prone to natural disasters and therefore should have been more prepared for a quick, comprehensive and effective response.

GNRD believes that UN data revealing that women and girls were disproportionately affected by the earthquake and that fifty-five per cent of those who died in the earthquake were female,⁵ highlights gender equality issues that Nepal needs to address. A 2014 UN Secretary-General report on gender equality in natural disasters states that women and girls face an increased risk of rape and sexual violence during or after a natural disaster has struck, and this in turn causes further problems of unwanted pregnancies, the spread of sexually transmitted diseases and reproductive complications.⁶ There needs to be more protections in place in Nepal to prevent these acts occurring in the first place, including educating society about gender equality. Additionally, women need to receive improved access to reproductive health care and to be informed of their rights to access these services. Gender inequalities further result in women suffering more from disasters, since they generally have a lack of control over key issues such as decision making, resources for survival, social networks and information. GNRD believes that for Nepal's post-earthquake recovery to be successful, it is vital that women in Nepal are given an opportunity to play an active role in decision making in Nepal's reconstruction and are permitted to participate in society a meaningful way, and on an equal level as men in order to help rebuild a stronger, more stable Nepal.

Nepal is a developing country, one of the poorest in Asia, and officials have admitted that they were overwhelmed by the scale of the disaster and the challenges it posed. Nevertheless, if Nepal focused on tackling issues such as inequality and discrimination, which are rife in Nepal, the disaster relief missions may have been a lot more effective. Nepal's lack of preparedness and slow responses to delivering essential aid to remote areas and long delay in agreeing on the reconstruction bill are deeply concerning from a human rights perspective and cannot be excused.

It is imperative that Nepal adopts a human rights approach and commits to ensuring human rights are protected, thereby limiting the growing risk of a worsening human rights situation following the earthquakes. In order to do this and ensure human rights are more securely protected in Nepal going forward, GNRD urges Nepal to implement the UPR recommendations made by states to Nepal in the 23rd session of the UPR, particularly in relation to ensuring that the most vulnerable groups are protected, especially ethnic minorities, indigenous peoples and women and girls, since they continue to face prejudice and find it very difficult to get access to justice. Nepal largely failed to act on the recommendations from its first UPR in 2011 and thus GNRD would like to remind Nepal that accepting these recommendations is only the first step; for change to be affected and human rights strengthened it is essential that these recommendations are actively implemented. This effective implementation would improve Nepal's ability to respond urgently and effectively to any potential future humanitarian crises with a human rights lens, and would generally improve the lives of the 27.8 million people who live in Nepal.

⁵ Human Rights Council, Working Group on the Universal Periodic Review, Twenty-third session, 2-13 November 2015, A/HRC/WG.6/23/NPL/2 (<http://daccess-dds-ny.un.org/doc/UNDOC/GEN/G15/196/04/PDF/G1519604.pdf?OpenElement>)

⁶ UN Economic and Social Council, DE/CN.6/2014/13, http://www.un.org/ga/search/view_doc.asp?symbol=E/CN.6/2014/13