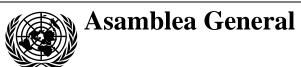
Naciones Unidas A/HRC/31/NI/17



Distr. general 15 de marzo de 2016 Español Original: inglés

Consejo de Derechos Humanos 31^{er} período de sesiones Tema 6 de la agenda Examen periódico universal

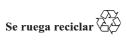
Comunicación presentada por escrito por la Comisión Nacional de Derechos Humanos de Nepal*

Nota de la Secretaría

La Secretaría del Consejo de Derechos Humanos transmite adjunta la comunicación presentada por la Comisión de Derechos Humanos de Nepal**, que se reproduce a continuación de conformidad con el artículo 7 b) del reglamento que figura en el anexo de la resolución 5/1 del Consejo, según el cual la participación de las instituciones nacionales de derechos humanos se basará en las disposiciones y prácticas convenidas por la Comisión de Derechos Humanos, incluida la resolución 2005/74, de 20 de abril de 2005.

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^{*} La institución nacional de derechos humanos tiene la acreditación de la categoría "A" ante el Comité Internacional de Coordinación de las Instituciones Nacionales para la Promoción y la Protección de los Derechos Humanos.

^{**} Se reproduce en el anexo tal como se recibió, en el idioma en que se presentó únicamente.

Anexo

[Inglés únicamente]

Written documentation for the 31st Session of the Human Rights Council by the National Human rights Commission of Nepal

Nepal Recommendations of UPR-Second Cycle Nepal's Commitment to provide response in 31st session of Human Rights Council

Suggestions of the National Human Rights Commission of Nepal to the Government of Nepal

Nepal's human rights record was reviewed second time at the twenty third session of United Nations Human Rights Council on 4 November 2015. During the session, Nepal received a total of 195 recommendations from the 73 member states of the UN. Among those recommendations, Government of Nepal has accepted 148 and noted 18 recommendations. Nepal had made commitment to provide response to the remaining 29 recommendations before the 31st session of the Human Rights Council to be held on 16th March, 2016. The outcome document of the review, the Working Group (WG) report, will be formally adopted before the UN Human Rights Council from the Session.

In this process, the Government of Nepal has consulted National Human Rights Commission (NHRC), National Human Rights Institutions and Civil Society members to provide feedback. The initiative of the Office of the Prime Minister and Council of Ministers to coordinate with NHRI, CSOs as well as line ministries to conduct consultation on "pending recommendations" is commendable. During the consultation meeting the NHRC Nepal has provided feedback regarding adoption of the UPR Recommendations.

NHRC has also organized consultation meeting with concerned Civil Society Organizations on 15 February, 2016 in order to congregate suggestions regarding the pending UPR Recommendations. In this regard, on behalf of the National Human Rights Commission Nepal, the following suggestion has been provided to the Government of Nepal.

Suggestions

UPR Recommendations	Suggestions	Reasons
7.1 Study possibility of		☐ Nepal has already ratified the
To be accepting the	To be	CAT Convention without any
competence of the	accepted	reservation
committee against	accepted	☐ Article 22 of the Constitution of
torture (Panama)		Nepal, 2015 has mentioned
7.2. Study the possibility		rights against torture as a
of the ratification of the	To be	Fundamental Rights
Optional Protocol to	accepted	☐ Nepal's commitment of
CAT (Panama)		preventing torture at national
7.3. Accede to the		and international level
Optional Protocol to the	To be	☐ Enhancing cooperation with UN
Convention against	accepted	human rights mechanisms
Torture (New Zealand)	_	☐ Establishment of national

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UPR Recommendations	Suggestions	Reasons
(Czech Republic)		prevention mechanism will help
7.5. Ratify the Optional		to end practice of torture
Protocol to the		One of the recommendations
Convention against	To be	from previous UPR Cycle in
Torture(Montenegro)	accepted	2011.
(Denmark) (Uruguay)		
(Ghana) (Germany);		
7.6. Sign and ratify OP-	To be	
CAT (Portugal);	accepted	
7.7. Sign OP-CAT	To be	
(Sweden);	accepted	
7.8. Ratify the ICRMW	T . 1	☐ National Human Rights
(Timor-Leste) (Sierra	To be	Commission has already
Leone);	accepted	recommended to the
7.9. Consider ratifying	m 1	Government of Nepal for
ICRMW (Philippines)	To be	ratification of ICRMW on
(Egypt);	accepted	November, 2012.
(Lgypt),		☐ One of the core Conventions of
		the UN human rights treaties
		□ Nepal is basically a labour
		sending country. Around forty
		migrant workers are working in
		various countries taking labour
		permission
		☐ Contribution of remittance in
		national GDP is more than 29%
7.10. Continue its		and more than 56% households
consideration to ratify	To be	are getting remittance
the ICRMW	accepted	☐ The Convention has provided
(Indonesia);	accepted	lesser obligation for labour
(Indonesia),		sending countries than labour
		receiving countries
		☐ Almost labor sending countries
		have ratified the Convention
		☐ Ratification can help for
		advocacy to ratify the
		Convention to the labour
		receiving countries
		☐ It will be helpful for the
		promotion and protection of the
		rights of the migrant workers
7.11. Ratify the		One of the core Conventions of
International Covenant		the UN human rights treaties
for the Protection of All		☐ The problem of the enforced
Persons from Enforced	To be	disappearance is one of the
		**
Disappearance (Argentina)	accepted	serious human rights issues in
(ICPPED) (Argentina)		Nepal. During the decade-long
(Sierra Leone) (France)		armed conflict, the NHRC
(Japan) (Ghana);	TD 1	Nepal received more than three
7.12. Ratify and	To be	thousand three hundred
implement the	accepted	complaints about enforced

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UPR Recommendations	Suggestions	Reasons
International		disappearance and whereabouts
Convention for the		of more than one thousand
Protection of		people is still unknown.
All Persons from		☐ Recommendations form the
Enforced		NHRC Nepal and several orders
Disappearance,		of Supreme Court to protect
(Paraguay);		person from enforced
(Taraguay),		disappearance and to ensure
		justice to the victims through
		enactment of law and
		criminalization of act of
		enforced disappearance
		l
		UPR First Cycle in 2011.
		☐ UNTOC convention has been
		already ratified by Nepal
		☐ Ratification can help to enhance
		bilateral mutual legal assistance
		between origin and destination
		countries
7.13. Consider ratifying		☐ Makes the definition of
the Palermo Protocol to		trafficking broad.
Prevent, Suppress and	To be	☐ India has already ratified the
Punish Trafficking in		Protocol which is both transit
Persons, especially	accepted	and destination country of
women and children		human trafficking for Nepal.
(Egypt);		So, ratification of the Protocol
		can help to enhance mutual
		legal assistance and bilateral
		cooperation
		☐ The Protocol is Victim-centric
		that helps to ensure rights of
		victims of human trafficking.
7.14. Ratify the Rome		
Statute of the		December 10th of NUDC
International Criminal	To be	Recommendation of NHRC to
Court (Switzerland)	accepted	ratify the Rome Statute
(Portugal) (Germany)	-	☐ Legislature Parliament has
(Ghana);		already given directive to the
7.15. Ratify and	m :	Government of Nepal to ratify
implement the Rome	To be	ICC
Statute (Paraguay);	accepted	☐ Promoting Government's
7.16. Ratify the Rome		commitment to prevent
Statute of the		impunity by preventing serious
International Criminal		human rights violations
Court and incorporate its		☐ To end state of impunity
provisions into national	To be	☐ To ensure crimes defined by
legislation; and accede	accepted	Statute will not happen in the
to the Agreement on	ассериси	future
Privileges and		☐ One of the recommendations of
Immunities of the Court		UPR First Cycle in 2011.
(Estonia);		
(Estollia),		

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UPR Recommendations	Suggestions	Reasons
7.17. Ratify and		
implement in the		
national legislation the	To be	
Rome Statute of the	accepted	
International Criminal	_	
Court (Costa Rica);		
7.18. Ratify the Rome		
Statute of the ICC and	To be	
implement it in its		
national legislation	accepted	
(Hungary);		
7.19. Accede to the	To be	
Rome Statute of the ICC	accepted	
(Czech Republic);	accepted	
7.20. Accede to the		
Rome Statute of the		
International Criminal		
Court and the		
Convention on the Non-	To be	
Applicability of	accepted	
Statutory Limitations to		
War Crimes and Crimes		
Against Humanity		
(Uruguay);		
7.21. Accede to and		
fully align its national	Tobo	
legislation with the Rome Statute of the	To be	
International Criminal	accepted	
Court (Latvia);		
7.22. Take all necessary		
measures towards		
acceding to the Rome	To be	
Statute of the	accepted	
International Criminal	1	
Court (Cyprus);		
		☐ Right to freedom of association
		has been assured as a
		Fundamental Rights by the
		Constitution of Nepal, 2015
		☐ Nepalese labours have right to
7.23. Ratify ILO	To be	form and join Trade Union
Convention No. 87	accepted	according to the prevailing law
(Algeria);		☐ Trade Union related laws and
		mechanism has already been set
		up
		☐ Further commitment of Nepal
		for the promotion and
7.24 Enert consolidated		protection of labour rights.
7.24. Enact consolidated	To be	☐ To develop effective legal and institutional mechanisms for
laws addressing all types of sexual violence	accepted	protection of victim and witness
of sexual violence		protection of victim and witness

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UPR Recommendations	Suggestions	Reasons
effectively, with	Suggestions	is one of the major concerns of
provisions of no		sexual violence cases
statutory limitation on		☐ To promote Government efforts
rape and other sexual		and commitment to end sexual
violence, adequate		violence
witness and victim		☐ To provide justice to the victims
protection mechanisms,		of sexual violence including rape
compensation from state		victims.
and measures to address		vicenius.
special needs of girls		
below 16 (Norway);		
7.25. Decriminalize the		☐ According to the General Code
act of attempted suicide		act of attempted suicide is not a
(Haiti)2;		crime.
7.26. To be accepted the		erinie.
request of visit by the		
Special Rapporteur on		
the promotion of truth,		
justice, reparation and		
guarantees of non-		
recurrence, the Special		☐ To enhance international
Rapporteur on human	To be	cooperation for protection and
rights defenders, the	accepted	promotion of human rights
United Nations Working	иссериси	☐ To ensure the international
Group on enforced or		community about country's
involuntary		commitment for the promotion
disappearances and		and protection of human rights
cooperate fully with the		of the people
mandate holders		☐ To provide information to the
(Hungary);		international community about
7.27. To be accepted the		human rights situation of the
requests to visit the		concerned thematic issues
country made by some		☐ To minimize the personal visits
special procedures,		of the rapporteurs
including the request		☐ To seek international
made by the Special	To be	cooperation for better protection
Rapporteur on the	accepted	of human rights of victims.
promotion of truth,		
justice, reparation and		
guarantees of non-		
recurrence		
(Uruguay);		
7.28. Amend the 2014		☐ NHRC Nepal has already
Commission on		recommended the Government
Investigation of		to ensure justice to the conflict
Disappeared Persons,		victims by establishing effective
Truth and	To be	mechanisms and the
Reconciliation Act	accepted	commission has already
(TRC) in compliance		provided its inputs in the
with the Supreme Court		concerned laws in order to
ruling of 26 February,		make transitional justice
2015 in order to uphold		mechanisms compatible with

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UPR Recommendations	Suggestions	Reasons
international standards		international standards
relating to		☐ Government's obligation to
accountability for gross		implement Supreme Court's
violations of		order and NHRC
international human		recommendations
rights and international		☐ To ensure justice to the conflict
humanitarian law		victims through establishment
(Denmark);		of effective Transitional Justice
, , , , ,		Mechanisms
		☐ Nepal has already ratified the
		Convention on Child Rights
		☐ General Comment No. 10, the
7.29. Raise the age of		Committee on the Right the
criminal responsibility		Child has recommended that the
of children that currently	To be	minimum age of criminal
stands at 10 years of age	accepted	responsibility be no lower than
(Chile);		twelve years.
(Cinic),		☐ To make the provision of
		criminal liability of children
		with international standards
		☐ To implement the Order of the
		Supreme Court and
		recommendations of Same Sex
		Marriage Study Committee
	To be accepted	☐ Constitution of Nepal, 2015 has
		ensured rights to equality for all
		citizens and it has taken sexual
		and gender minorities as a
		socially and culturally deprived
		class of people
		Government's commitment
7.30. Take measures to		through Fourth National Human
		Rights Action Plan of Nepal to
implement the Supreme Court's decision		ensure rights of sexual and
		gender minorities through legal
concerning same sex		
marriage (Brazil).		reform
		Sexual and gender minorities are getting Citizenship
		Certificate, Passport and other identity documents on their own
		identity documents on their own
		discriminate any citizens on
		sex, gender and other forms.
		To ensure right to marriage and
		family of sexual and gender
		minorities.

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