

Opening Statement by Hon'ble Deputy Prime Minister and Minister for Foreign Affairs Mr. Kamal Thapa  
at 23<sup>rd</sup> Session of Universal Periodic Review (Geneva, 4 November 2015)

Mr. President

Excellencies and representatives from member states and observers

Ladies and Gentlemen

I would like to begin by extending the warm greetings from the people and the Government of Nepal. I feel proud to share with you about the recent promulgation of our new constitution. This marks the conclusion of the peace process initiated in 2006. A new journey towards peace, stability and prosperity has now begun.

It is a great honour and privilege for me to present Nepal's second UPR report to this august session. My delegation is pleased to have this opportunity to present this report on Nepal's efforts towards fulfilling its international obligations and commitments on the issues of human rights, update the status of implementation of the recommendations that we accepted under the first UPR cycle, highlight our achievements, and share what remains to be done as well as the challenges and constraints we confront with. We look forward to having a productive interactive dialogue with the member states on these issues.

My delegation includes the Ambassador and Permanent Representative of the Permanent Mission of Nepal to the UN in Geneva, Secretaries of relevant Ministries and other Senior Officials from different agencies responsible for the formulation of human rights policies and implementation of human rights obligations.

Mr. President,

The new democratic and inclusive constitution was promulgated in Nepal on 20 September 2015 through the Constituent Assembly elected by the people in November 2013. With it, the long-cherished aspiration of the people to have a constitution written by their own representatives has been fulfilled. It has been made possible by the rigorous democratic exercises spanning over eight years conducted in an inclusive, transparent and participatory manner giving due consideration to Nepal's vast diversity.

The promulgation of the new constitution marks the conclusion of the peace process as well as the historic political transition in Nepal. It has also institutionalized the federal democratic system of governance in the country, paving the way for political stability, sustainable peace and economic prosperity. It also significantly ensures inclusive democracy, pluralism, the rule of law, the democratic values of governance, representative and accountable government, social and economic justice and universally accepted human rights.

The new constitution guarantees substantive equality, and promotes human dignity, identity, and opportunity for all by ending all forms of discrimination and inequalities. This fundamental law of the land safeguards every right of persons, groups and communities, embracing multi-ethnic,

multi-lingual, multi-cultural and diverse geographical specificities. It further aims to create an egalitarian society on the basis of the principles of proportional inclusion and participation, to ensure equitable economic opportunities, shared prosperity and social justice by ending discriminations related to class, ethnicity, region, language, religion and gender. For this, the proportional electoral system, inclusive representation of marginalized and disadvantaged communities in all State organs, positive discrimination and special provisions with regard to rights of women, *Dalits*, *Madheshis*, Indigenous people, *Tharus*, *Muslims*, Persons with Disabilities, and minorities have been guaranteed in the Constitution.

The constitution has ambitiously broadened the scope of fundamental rights by ensuring a wide range of economic, social and cultural rights, including right to employment, right to food, right to housing, right of social justice, right of social justice, right of consumers and so on. Similarly, the directive principles of the constitution provide a framework for progressive realization of socio-economic rights and guidance for the successive governments to shape relevant laws and policies in line with those principles. In nutshell the constitution fully catches the spirit of universally accepted human rights and ensures their promotion and protection.

The new constitution has been significantly progressive in eliminating gender-based discrimination as well as empowering women through enhanced representation. It has ensured at least one-third representation of women in the Federal Parliament as well as the State Assembly and at least 40% representation of women at the lowest local level (Ward Committee). It has provisions for either Speaker or Deputy Speaker of the both Houses to be women, and also ensures right to lineage, right against all forms of exploitation, equal rights in the family matters and property, among others. The constitution has similar provisions for President and Vice-President ensuring that the two positions are held by persons of different sex or community. I wish to share with this august gathering that both the newly elected Speaker of the Parliament and President of the country are women. These historic elections have well reflected the spirit of the new inclusive constitution. Similarly, with a view to ensuring further inclusivity and empowerment of every community in society, the constitution has established and further strengthened various Commissions as independent constitutional bodies such as the National Women Commission, National *Dalit* Commission, National Inclusion Commission, Indigenous people and Nationalities Commission, *Madheshi* Commission, *Tharu* Commission, and Muslim Commission.

The Government is committed to building on the solid foundation laid by the new constitution for the continued promotion and protection of human rights with necessary legal, institutional and administrative mechanisms. The formation and operationalization of the Truth and Reconciliation Commission as well as Commission on Enforced Disappearances also reflects the Government's commitment to addressing the serious violation of human rights committed during the period of conflict, ending impunity and providing justice to victims as well as promoting sustainable peace, harmony and reconciliation in society based on the ground reality.

The independent and competent judiciary constantly defends and advances human rights agenda in the country including through judicial pronouncements and verdicts. The vibrant and free media, active civil society as well as the ever-growing awareness and consciousness of the general people about their rights continue to strengthen the human rights environment in the country.

Moreover, the National Human Rights Commission (NHRC) assumes central role in the protection and promotion of human rights with responsibility for independent investigation into all human rights violations as well as for overall monitoring of the human rights situation.

Mr. President,

In the last four years after the first UPR, the country has been able to accomplish many significant progresses in the overall human rights situation in the country. The basic elements of the rule of law and human rights are being incorporated into the periodic development plans. The rights-based approach has become an important consideration in every aspect of national life. By formulating an Action Plan on the implementation of UPR recommendations received in 2011, we have set stage for more effective outcomes of important human rights issues with significant monitorable progress.

The major accomplishments, the conclusion of the peace process and historic political transition in particular, have been nationally driven. The country's experience in the democratic exercise and collaboration on the overall interest of the country during the peace process and political transition has been quite important and unique. While the prolonged political transition posed, at times, serious threats to the democratic norms and values, the rule of law, and enhanced the possibility of impunity particularly with the blurred distinction between criminal acts and political activities, it has also been an enlightening experience to guide further course of action. It is during this process that we realized the importance of compromise and flexibility to move forward from a context like ours, characterized by diversity and divergent views. The endogenous home-grown process that we pursued has proved to be an effective vehicle to arrive at a broader consensus on all critical issues, including the political system and governance. We are confident of our ability to resolve any conflicting issue with our own efforts and through peaceful means. Any disruption of this process as well as internal dynamics through any exogenous interest will only complicate matters.

It is with this conviction that the new Government is engaged in dialogue with the Madhesh-based political parties to win their confidence and resolve the differences within the constitutional framework. While the Government is quite serious and sensitive to their concerns, the nature and effects of continued agitation have been detrimental to our national interest and the overall wellbeing of the people.

In fact, we are currently at a very delicate situation resulting from the obstruction of essential supplies at the border points. Lives and livelihood of the entire population have been adversely

affected; schools and hospitals also bear the brunt of the current circumstances exposing millions of children, elderly and sick persons to greater risk and vulnerabilities; the future of our children is at stake; our regional and international trade have been constrained; our industries are on the verge of collapse; the tourism sector has been hit hard; our economy has suffered a huge setback. If the current trend is not checked, the country is likely to experience an unjust and severe humanitarian crisis. This needs to be avoided. While we seek to address political problem through dialogue, the continuous obstructions at border points under any pretext has severely impeded the exercise of rights and freedom that Nepal is entitled under the international law as a land-locked country. As a Least Developed country that has emerged from a decade-long armed conflict followed by a protracted political transition and is just taking steps forward on a path of recovery and reconstruction with the support of the international community in the aftermath of the devastating earthquakes, the challenges and pressures besetting the nation and people at present are immensely painful.

Nevertheless, we are quite optimistic in view of our ability and competence to resolve our differences on our own for the national interest of the country. The present Government has already begun the process of dialogue and is confident of arriving at a mutually acceptable solution soon. Like many other democratic constitutions, the Constitution of Nepal is also a living and dynamic document that can be amended in accordance with the needs and aspirations of the people. It is flexible enough to adequately address the new context the nation faces through timely amendment.

We, the people of Nepal, are increasingly getting used to the significance and necessity of the democratic norms, rules and processes to resolve differences without undermining social harmony and cohesion that have been the defining features of our diverse society.

Mr. President,

The fundamental goal of the new Government, elected a few weeks back, is to effectively implement the new constitution by removing the structural and functional obstacles and challenges in the way of socio-economic transformation of the country. The Government has started to take necessary measures to formulate necessary legislative and policy tools needed for the smooth operationalization of the constitution. As the country ushers in a new era, we are also keen to give further momentum to our economic development agenda. Despite the huge devastation and setback caused by the recent earthquakes, Nepal will continue to pursue the goal of graduation from the LDC status by 2022, and becoming a middle income country by 2030.

I would like to express the Government's commitment to keep up the spirit generated by the new constitution in advancing the cause of human rights.

Mr. President,

Despite consistent efforts in the promotion and protection of human rights, Nepal continues to confront challenges in meeting some of the desired targets and fulfilling obligations. Paucity of resources, land-locked situation, low level of economic development, rampant poverty, deprivation of basic needs and amenities, low level of education, among others, have adversely affected the implementation of action plans on human rights. Moreover, the prolonged political transition had also left negative impacts on creating conducive environment required for the promotion of human rights in the country. As the political transition has come to an end with the promulgation of the new constitution, the country is in a position to undertake further steps forward for the effective realization of all human rights by all with adequate support from the international community.

We stress the importance of strict adherence to the principles of universality, objectivity and non-selectivity by all human rights mechanisms under the United Nations. As democracy, development, peace, security and human rights are interdependent, they call for a holistic approach to address the human rights issues. The efforts of the international community must, therefore, be geared towards creating an environment for the enjoyment of all human rights, including civil and political rights; social, cultural and economic rights; and the right to development. For a country like Nepal, the enjoyment of the right to development will have significant impact on the promotion of other rights. It is in this context that we attach huge importance to the effective and balanced implementation of the 2030 Agenda for Sustainable Development adopted by the world leaders in September this year. The transformative ambition of the 2030 Agenda along with its focus, among others, on peace, equality and freedom offers a new hope and opportunity for the enjoyment of human rights by all.

Mr. President,

To conclude, I would like to reiterate our total and unflinching commitment to the promotion and protection of human rights. There is a greater awareness and positive outlook in the country among both the state and non-state actors about the value of human rights.

As I also consider the UPR as an opportunity to learn from others, I look forward to receiving your valuable inputs during your constructive engagement in the interactive dialogue. I am confident that with the greater understanding and support of the international community Nepal will continue to make significant progress in the days ahead.

I thank you for your kind attention.

