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**Opening Statement by Hon. Mr. Pradeep Kumar Gyawali, Minister for Foreign Affairs and the Leader of Nepali Delegation to the 37th Session of the Human Rights Council Working Group on Universal Periodic Review**

**Geneva, Thursday, 21 January 2021 (13:45 hrs to 17:15 hrs.)**

**(pre-recorded Video Statement)**

**Madam President,**

**Madam High Commissioner for Human Rights,**

**Distinguished Members of the Working Group,**

**Ladies and Gentlemen,**

1. I have the honor to present Nepal’s national report to the UPR Working Group. I appreciate the Human Rights Council for the arrangements made for this review despite the constraints posed by the COVID-19 pandemic.

**Madam President,**

1. Nepal is guided by the spirit of dialogue and cooperation and considers the Universal Periodic Review as a truly unique, constructive and cooperative mechanism. Let me convey our gratitude to members of the Troika, namely, India, Argentina and Burkina Faso, for facilitating Nepal’s review. As I present the updates on the status of implementation of the recommendations and major strides taken by Nepal since the last review, I reiterate Nepal’s willingness for an open and constructive dialogue with the Member and observer States during this review.
2. As a member of the Council for the second term, Nepal is grateful to all the UN member States for their support to our candidature during the recently held elections for both the Human Rights Council and CEDAW Committee. Nepal remains firmly committed to the work and effectiveness of the Council for the promotion and protection of human rights.
3. Today, I am accompanied by the Chief Secretary of the Government of Nepal, Secretary at the Office of the Prime Minister and Council of Ministers and the Secretaries of the Ministries of Foreign Affairs; Home Affairs; Law, Justice and Parliamentary Affairs; Health and Population; Women, Children, and Senior Citizens; Labour, Employment and Social Security; and Education, Science and Technology.
4. Nepal’s Ambassador and Permanent Representative in Geneva and officials of the Permanent Mission are joining from Geneva.
5. A dedicated Committee led by the Office of the Prime Minister and Council of Ministers was formed with cross-sectoral representation for the preparation of the national report. Wider outreach and consultation with the National Human Rights Commission, other constitutional commissions, provincial government and local level bodies, civil society, community organizations, human rights defenders, and the media immensely contributed to the preparatory process. Most of them also provided with the written inputs. In the context of COVID-19 related health protocols and lockdown, some of the planned consultations and workshops had to be conducted in virtual format in all seven provinces,where more than 700 Civil Society Organizations participated. Two consultative meetings were held with the Law, Justice and Human Rights Committee of the House of Representatives. Draft National Report was also disseminated for feedback and comments from all stakeholders and general public. Inputs thus received were incorporated in the final report prior to the submission.
6. Nepal firmly believes in the universality, indivisibility, interdependence, interrelatedness, and mutually reinforcing nature of human rights, including the right to development. Our commitment to the promotion and protection of human rights is total and unequivocal and we believe that the rule of law and human rights should be evenly operational at national, regional, and international levels. As a State Party to seven core human rights Conventions and six Optional Protocols; seven humanitarian Conventions, including the four Geneva Conventions of 1949; 11 ILO Conventions; and 14 other international and two regional conventions that have direct bearing on human rights, Nepal strongly upholds the values enshrined in those Conventions.
7. These values are duly internalized in our Constitution in the form of comprehensive bill of fundamental rights, democratic polity, pluralism, the rule of law, accountable government, inclusive participation, and social and economic justice.
8. A country emerging from conflict amidst compounded odds including the massive Earthquake of 2015 and recurrent natural disasters; we have made sincere efforts for the promotion and protection of human rights of our people.

**Madam President,**

1. Nepal had accepted a total of 152 recommendations during the 2nd cycle of UPR in 2015, most of which have now been implemented. A dedicated mechanism at the Office of the Prime Minister and Council of Ministers was designated for the monitoring of the implementation.
2. Since the last review in 2015, Nepal’s periodic reports under CRC, CRPD, CERD, and CEDAW were considered by the respective treaty bodies. Preparation of such reports under CAT, ICCPR and ICESCR are in progress.
3. Nepal acceded to the Protocol to Prevent, Suppress and Punish Trafficking in Persons Especially Women and Children (Palermo Protocol) in June last year. We intend to build necessary legal and institutional capacity for joining additional international instruments.
4. Nepal attaches great importance to the work of Special Procedures Mandate-Holders. In 2018, Nepal invited Special Rapporteurs on the Human Rights of Migrants and Special Rapporteur on Violence against Women for a country visit. We look forward to welcoming the Special Rapporteur on the right to food and Special Rapporteur on extreme poverty and human rights this year.

**Madam President,**

1. The National Human Rights Commission of Nepal, an independent Constitutional body, has been working as a powerful watchdog to protect and promote human rights in the country. Accredited as the "A" category institution, the Commission fully embraces the Paris Principles, and exercises a wide range of investigatory, supervisory, directive, and recommendatory powers for the promotion and protection of human rights.
2. Other independent thematic Commissions on Women, Dalit, Indigenous Nationalities, Madheshi, Tharu, and Muslim Community have been actively working for the promotion and protection of rights and interests of the specific communities.
3. Nepal's independent judiciary acts as the guardian of human rights and fundamental freedoms. It has the power of judicial review to assess the constitutionality of any laws passed by federal, provincial, or village or municipal legislature. The Judiciary has given landmark judicial pronouncements, expanding the scope of human rights jurisprudence.

**Madam President,**

1. Nepal embarked upon a new era of political transformation in 2006 which was consolidated by the democratic Constitution adopted in 2015 by the Constituent Assembly. The Constitution guarantees a wide array of civil, political, social, economic and cultural rights akin to those provided by international human rights instruments. It consolidates an inclusive and participatory federal democratic republican order following the successful transformation of conflict into peace through a home-grown, nationally led and owned peace process.
2. The Constitution of Nepal is founded on the value of equality and non-discrimination and guarantees special provisions for the empowerment and development of the backward section of society. Nepal has long abolished death penalty. Effective constitutional and judicial remedies are provided in case of infringement of the fundamental rights. As one of the pioneer countries to implement National Human Rights Action Plan since 2004, we are now implementing the 5th series of such Action Plan. Implementation and follow up of UPR and treaty bodies recommendations are integral part of it.
3. Over the past four years, a comprehensive, transparent, and consultative legal reform process was undertaken both to implement Nepal’s human rights commitments as well as to drive the federalization process. Necessary fundamental-rights-implementing-laws have been enacted within three years after the adoption of the Constitution. Several prevailing laws have been revised and consolidated, and dozens of new laws have been enacted.
4. A new set of rights, such as, right to live in a clean and healthy environment; right to food; right to social security; and the rights specific to senior citizens and children have been guaranteed by the Constitution.
5. In 2017, Nepal successfully held free, fair, transparent, and broad-based participatory elections at the federal, provincial, and local levels, embracing the principle of proportional and inclusive representation while institutionalizing democratic and accountable governance at all levels. Nepal has a woman as the Head of State. Earlier, we had women as the President, Chief Justice, and Speaker of the Parliament at the same time, which reflects a rare example of women empowerment in national leadership. It is mandatory to have at least two women out of five local-level ward members and one of them must be from the Dalit community.
6. Currently, women constitute 41 percent of elected public offices and 25 percent of civil service. Women participation in labour force has reached 83 percent. As we recently celebrated the 25th anniversary of Beijing Declaration and Platform for Action, Nepal is happy to share these achievements.
7. Women are fully empowered by the Constitution and enjoy right to lineage and equal rights in the family matters and property. Sexual and reproductive health rights of every woman and girl have been firmly established by law. Sexual violence constitutes a serious crime. Polygamy, child marriage, forced marriage, sexual harassment in the workplace as well as sexual and domestic violence are strictly punishable by law. Enforcement of the laws related to human trafficking and domestic violence has been further strengthened to end gender-based violence and discrimination.
8. Nepal stands among a few countries that have been implementing UN Security Council Resolutions 1325 and 1820 on Women, Peace and Security through a National Plan of Action. We are one of the pioneer countries to implement gender-responsive budget system since 2007.

**Madam President,**

1. Right to peaceful assembly and association, freedom of expression, and right to information are prerequisites for good governance. Nepal regards civil society and the media as indispensable partners in the promotion and protection of human rights. Nepal has formulated Digital Nepal Framework 2019 to unlock Nepal’s growth potential through the wider use of digital technology. In an ever-changing digital world, ensuring access to quality information, digital inclusion, and the protection of every citizen’s privacy and wellbeing becomes important consideration.
2. A multi-ethnic, multi-lingual, multi-religious and multi-cultural country, Nepal believes in equality, inclusion, secularism, non-discrimination, social justice and development of all of its people.
3. Discrimination on the basis of class, caste, region, language, religion, and gender are outlawed. Discrimination in public places and in the use of public services and utilities is strictly prohibited. Stringent legal and enforcement measures have been taken to investigate and punish any of such acts. Untouchability is strictly punishable under the law.
4. Nepal has ratified the ILO Convention 169 on Indigenous and Tribal Peoples. The Indigenous people and those from the communities on the verge of extinction have the right to get special opportunities and benefits from the state. Two independent and empowered entities - the Indigenous Nationalities Commission, a constitutional body and the National Foundation for Development of Indigenous People, a statutory body, work to look after the rights and interest of indigenous people. The right-based policy measures are incorporated in the national development plans for ensuring their participation.
5. The Constitution guarantees special measures for minorities and the marginalized sections of the society so as to enable them to enjoy fundamental rights and receive a fair share of representation in all spheres of national life.
6. Inclusive development interventions have been made to improve living condition of the backward section of our society and empower them in all aspects of national life and nurture social harmony and cohesion. Targeted programs for poverty reduction, literacy and employment generation have been implemented. The 15th National Development Plan, which is currently under implementation, aims at promoting inclusive economic growth and creating broad-based foundation for prosperity.
7. Being a secular State, the Constitution of Nepal guarantees freedom of religion as a fundamental right. Social and cultural harmony, tolerance, and unity in diversity are the inherent tenets of Nepal’s identity.  The Penal Code criminalizes hate speech, attacks against the religious sites and activities aimed at creating religious discords. Nepal believes that freedom of religion cannot be impaired by coercion or monetary inducement for conversion.
8. Nepal has been giving utmost importance to tackling the issues of torture, impunity, gender-based violence, exclusion, and inequality. The right of a victim of crime, right against torture, and right against preventive detention has been recognized as the fundamental rights. Any form of physical or mental torture or cruel, inhuman, or degrading treatment for any reason is prohibited, and those acts are punishable by law. A victim of torture is entitled to compensation.
9. Human rights cells have been established in all security agencies, including Nepal Police. Conditions of the prison have been improved with the piloting of open prison system.
10. The National Penal Code criminalizes torture, rape, and other forms of sexual violence. Statutory limitations for the prosecution of cases of torture and rape have been extended.
11. Nepali laws protect the right to justice for the victims of crimes in all stages of investigation, adjudication and social rehabilitation. Special arrangements have been made for victims of rape and sexual violence with regard to limitation and privacy in hearing the cases.
12. Nepal remains committed to conclude the transitional justice process through the Truth and Reconciliation Commission and the Commission of Investigation on Enforced Disappeared Persons. Nepal's transitional justice process is guided by the Comprehensive Peace Accord, the directives of the Supreme Court, relevant international commitments, concerns of the victims, and the ground realities. The Government is steadfast that there would be no blanket amnesty in cases of serious violation of human rights.
13. Nepal considers NGOs and Civil Societies as the building blocks of democracy and human rights and has been forging a constructive and cooperative partnership with NGOs, INGOs, Human Rights Defenders and Civil Society Organizations. A total of 237 INGOs and more than 51,000 NGOs are affiliated to Social Welfare Council, Nepal, which reflects a strong manifestation of the important space being provided to the civil society in Nepal. The reports submitted by NGOs for this review are the testimonies of their vibrant presence in Nepal.
14. The Constitution has guaranteed the rights of sexual minorities to participate in the State bodies on the basis of inclusive principle. To protect the identity of LGBTI persons, the census and electoral rolls recognize them under “others” category for data entry. Citizenship certificates and passports have been provided with identity of “others” category. Discrimination based on sexual orientation is punishable.

**Madam President,**

1. Nepali labour laws protect equal pay for equal value of work for both men and women. The Government has also specified minimum wages for workers. A minimum paid employment of 100 days has been guaranteed for those who do not have gainful employment. Women workers are entitled to paid-maternity leave. Forced labour has been prohibited. Workers have the right to form trade union and engage in collective bargaining.
2. Nepal has become one of the pathfinder countries of the global partnership, Alliance 8.7, to fulfill its commitment towards ending all kinds of child labour by 2025. Nepal reaffirms its commitment to the promotion and protection of the rights of the child. Ending child labour, forced labour, and trafficking in children is in high priority of the Government.
3. The right-based and inclusive approach has been adopted while devising the plans and policies to protect the rights of persons with disabilities. The Disability Rights Act, 2017 recognizes self-empowerment of persons with disabilities. New building code requires public buildings to be disability friendly. Provision of adequate resources and infrastructures for quality and inclusive education of children with disabilities remains our continued priority.
4. Every community has the right to basic education in its mother tongue, and the right to preserve and promote its language, and script. The right of every child to receive a free and compulsory basic education, including books and educational materials has been protected by law. Every citizen is entitled to get free education up to the secondary level. Universal enrolment and gender parity in school have been almost achieved with a significant reduction in dropout of girls. Monthly scholarships and day meals are provided to the children from Dalits communities, backward regions, and other marginalized communities. Hygiene kits are provided to the adolescent girl students. Distance learning via radio and online classes has been conducted in the pandemic situation.
5. The Government has reserved 45 percent of scholarships for higher education in medical sciences to students graduated from community schools and for those coming from backward section of our society. Other programs such as day nutrition, scholarship to 50 percent girls at the primary level and provision of women teachers in a specific ratio have produced positive results in terms of increasing enrollment and reducing dropouts.
6. Human rights education constitutes part of curriculums of education institutions and training of the public officials, including security agencies. Awareness-raising activities have been regularly conducted by both the Government agencies and civil society organizations. Necessary legal and institutional mechanisms have been established to ensure access to justice for all.
7. The extension of social care and protection has made our cities free from street-children, street-people, and beggars. “Street Children Free Kathmandu Valley" initiative has been implemented and over a thousand street children have already been rescued.
8. Necessary laws have been enacted to safeguard the right to a clean environment and access to clean drinking water and sanitation. In September 2019, Nepal declared herself as the open defecation free country.
9. Every citizen has the right to free and equal access to basic health services from the State. Significant progress has been made in strengthening the health system and improving health services of the citizens to ensure universal health services. Under the National Health Insurance scheme, Government of Nepal pays premium for health insurance of the poor, orphans, elderly and persons with disabilities. The coverage of the insurance has been extended to 563 Local Levels of 58 districts with a target of universal coverage eventually.
10. Free medical treatment is provided to senior citizens above 75 years of age for severe diseases related to heart, kidney, and cancer. Health insurance for the elderly people has been further expanded.
11. We have recently laid foundations for the construction of basic hospitals in all 396 local levels across the country to provide quality health services at the local level. Infectious disease hospitals are being built in each of the seven provinces.
12. The elderly, single woman, Dalit, persons with disability, destitute, indigents, and people belonging to the ethnic group on the verge of extinction receive monthly social security allowances. Social security and special protections are recognized as fundamental rights of senior citizens. A comprehensive contribution-based social security scheme has been rolled out by the Government that provides coverage to the workers in formal and informal sectors.
13. Nepal attaches high priority to the safety, security, and wellbeing of the migrant workers. We have concluded bilateral agreements with several destination countries for the security, protection and welfare of the migrant workers. Effective implementation of the 2030 Agenda for Sustainable Development along with the Global Compact for Safe, Orderly and Regular Migration is essential to make migration safe, dignified and work for all.
14. The President Women Upliftment Program, Prime Minister Employment Program and Prime Minister Agricultural Modernization Project are being implemented as the flagship programs to generate employment within the country. Returnee migrant workers are provided with concessional loans and other incentives to start self-employment or entrepreneurial activities.
15. Even though we are not a party to the Refugee Convention and its Protocol, Nepal has sheltered Tibetan and Bhutanese refugees for decades on humanitarian grounds. The extradition law of Nepal fully recognizes the principle of *non-refoulment*.

**Madam President,**

1. The reconstruction work of residential houses, schools, colleges, hospitals, heritage sites, and infrastructures damaged by the devastating earthquakes in 2015 is nearing completion. We have built better infrastructures and capacity for responding to the natural disasters and protecting the lives of people.
2. Effective and timely implementation of SDGs and other internationally agreed development goals through enhanced partnership and collaboration is a key to the protection of all human rights, including the right to development. Nepal has mainstreamed SDGs into the national development plans and policies with a view to realize them by 2030.
3. Poverty reduction remains an overarching development agenda of the Government. We have aimed to reduce poverty to 5% by 2030 and 0% by 2043.We are committed to achieve zero hunger goals of SDGs by ensuring food and nutrition for all. We have been working with the vision of "No one should remain hungry, no one dies of hunger". Prime Minister Agriculture Modernization Project, Advanced Seed Program and Agriculture Insurance Programme have been implemented to ensure food and nutrition security.
4. Being a mountainous and agricultural country, Nepal is vulnerable to climate change challenges such as melting of glaciers, glacial lake outbursts, soil erosion, decrease in productivity, desertification, loss of biodiversity, floods, and landslides, which have become recurring challenges. Nepal is developing a National Adaptation Plan and corresponding Climate Finance Strategy and Roadmap in all local levels. We have set an ambitious target of achieving a net zero-carbon scenario by 2050.
5. Human Development Index Report 2020 shows some improvement in Nepal's HDI value. Our economy has recently been elevated to a lower-middle-income country and we are preparing to graduate from the status of the least developed country. Nepal was recording strong economic growth rates in the years preceding to the pandemic.
6. The health and education-related indicators, especially nutrition and schooling, in which we were lagging behind, have received renewed priority, including through reforms of public schools for quality education. Investing in people and preventing them from re-lapsing into poverty remains the key challenges.
7. Nepal under the able leadership of Prime Minister Rt. Honorable Mr. K P Sharma Oli has embraced a long-term vision of “Prosperous Nepal, Happy Nepali”. Despite resource constraints, we have significantly increased investment in infrastructures and social sectors.
8. Good governance has been our priority. Adequate resources have been allocated both for prevention as well as investigation and prosecution of the cases of improper conduct and corruption.

**Madam President,**

1. The ongoing COVID-19 pandemic has severe impact on livelihoods, economy, public health and social security systems. The Government of Nepal has responded to the COVID-19 pandemic through measures, such as, prevention, control, isolation, quarantine and treatment and has adopted various health and safety protocols in compliance with WHO guidelines. We are guided primarily by the three objectives - strengthening of the health care system, protecting people’s lives, and building a sustainable and resilient recovery.
2. Testing and treatment services are provided free of charge to the needy people. Necessary infrastructures, human and financial resources, and medical equipment are ensured to the health systems at all levels. With a combination of measures employed, we have been able to keep low mortality and higher rate of recovery among the COVID-19 patients.
3. With the outbreak of a new variant of the virus and continued risk of transmission, Nepal, like other LDCs is struggling with capacity constraints. Strengthening the health care system and addressing the needs of vulnerable segment of population remain our top priority.
4. While development of vaccines has given a new hope, availability and affordability of vaccines becomes critical for a country like Nepal requiring greater international cooperation and solidarity. We commend the initiative of COVAX and generosity of our neighbors to ensure availability of vaccines. The Government of Nepal has already decided to provide the vaccines free of cost to the people.
5. To conclude, **Madam President**, Nepal is striving its best for achieving the sustainable development goals and remains committed to ensuring the full enjoyment of human rights and fundamental freedoms by every citizen. I look forward to a constructive dialogue as we continue the review process.

**I thank you for your kind attention**.