**Intervention by Mr. Maheshwar Neupane, Secretary, Ministry of Home Affairs of Nepal at the 37th Session of the Human Rights Council Working Group on Universal Periodic Review**

**"Civil and Political Rights"**

**21 January 2021**

**(pre-recorded Video Intervention)**

**(Time: 13 mins 20 secs, Words: 1515)**

**Madam President,**

1. I have the honour and privilege to respond to the queries and comments broadly related to civil and political rights and briefly highlight the progress made by Nepal. I appreciate the delegations that have sent questions in advance. I will be addressing some of them as well.
2. As a democratic country, Nepal remains fully committed to its fundamental values including the civil liberties, human rights, adult franchise, full press freedom, independent judiciary and the rule of law.

# Regarding the judiciary, I wish to underline that the independence, competence, and impartiality of judiciary is fully guaranteed by the Constitution of Nepal. The judicial power is exercised by courts and other judicial bodies as per the principle of separation of power and check and balance and in accordance with the Constitution, laws, and the recognized principles of justice. To fully ensure justice in all circumstances, the Supreme Court of Nepal exercises extraordinary jurisdiction to issue appropriate orders and writs. The High Courts too are empowered to issue appropriate orders and writs, and the District Courts to issue writs of *habeas corpus* and injunction order.

# The jurisdiction, procedures of appointment, qualification, remuneration, and other conditions of service of judges of the Supreme Court, High Courts, and District Courts are ensured by the Constitution. The Chief Justice of Nepal is appointed by the President on the recommendation of the Constitutional Council and other Justices on the recommendation of the Judicial Council. Moreover, the judges of the High Courts and District Courts are appointed by the Chief Justice on the recommendation of the Judicial Council. Transfer, disciplinary action, and dismissal of Judges are done only on the advice of the Judicial Council.

# Regarding the national human rights institution, the National Human Rights Commission (NHRC) is fully compliant with the Paris Principles and accredited “A status” by GANHRI. The Government of Nepal remains fully committed to implementing the recommendations of the Commission. In past two decades, the NHRC made 1,195 recommendations to the Government, out of which about 44% were of generic nature without specific perpetrators. Most of the recommendations were related to transitional justice that are being addressed by the Truth and Reconciliation Commission and the Commission on Investigation of Enforced Disappeared Persons, the two separate transitional justice mechanisms which have been established specifically for this purpose. The Government implemented the recommendations of providing relief to 306 persons. Similarly, the 4% of the recommendations that were related to taking actions against the civil servant/security officials/public servants, have been implemented. Remaining few recommendations are related to amendment of the NHRC Act, the process of which is under consideration.

# Regarding the queries related to strengthening of thematic constitutional Commissions, I would like to update the Working Group that the Government has recently recommended for the appointment of the Commissioners in various Commissions including National Human Rights Commission, National Women Commission and National Dalit Commission in an inclusive manner. These Commissions are provided with requisite resources for their functioning.

1. On queries related to the work of transitional justice mechanisms, the TRC collected a total of 63,718 complaints and made preliminary investigations, verified the registered complaints for their authenticity, and consolidated the cases for further detailed investigation. So far, decision has been made to carry out detailed investigation in 200 cases.
2. The CIEDP received a total of 3,223 complaints, out of which it verified a list of 2,514 after preliminary investigation. The CIEDP has been carrying out detailed investigation of 2,097 cases in 65 districts. The TRC has been implementing the Guidelines on Reparation. Both the Commissions have adopted the Procedure for Providing Identity Card to the Victims.
3. The earthquakes in 2015 claimed 8,790 lives and injured 22,302 more. The Government provided treatment to all the injured, with immediate relief, in a transparent manner. The number of households affected by the earthquake was 834,911, of which, 790,764 have been reconstructed.

# On the comment related to torture, allow me to reaffirm that Nepal is committed to protect life, liberty, and security of persons. Torture and inhuman treatment have been criminalized by the National Penal Code, 2017. The perpetrator is liable to a sentence of imprisonment up to five years, according to the gravity of the offence. A total of 86 cases of torture were filed in the District Courts in five years since 2015. Likewise, departmental action has been taken against 158 police personnel and 22 armed police force personnel for negligence and violation of human rights. The statutory limitation on filing a case in torture has been increased from 35 days to 6 months.

# Human Rights Focal Officers have been appointed in the Police Headquarters and in all provincial and district police offices. Specialized training courses on promotion and protection of human rights and on developing strategies for preventing human rights violations are being provided to security personnel in a coordinated manner. These training courses include application of human rights laws, instruments, principles and norms. So far, the National Police Academy provided trainings to 12,030 police personnel, Staff College of Nepal Army provided training to 43,533 army personnel, APF provided training to 20,207 personnel and Judicial Service Training Center provided training to 1,649 personnel. Human rights are integral to all training curriculums in the Government training academies and centers.

1. The National Penal Code has increased the statutory limitation for filing a First Information Report in rape cases from 35-days to one year. Maximum penalty for the offence of rape has been extended from sixteen to twenty years of imprisonment. Compensation is provided to the victims of rape. In the case of rape with murder, the perpetrator is liable to imprisonment for life.
2. Recently, the government has issued ‘Acid and other Harmful Chemical Substance (Regulation) Ordinance, 2020 and ‘An Ordinance made to amend some Nepal Acts relating to Penal Code and Criminal Procedure Code, 2020’ to regulate acid and other harmful chemical substances, and to significantly increase punitive measures for acid attacks.
3. The Ministry of Home Affairs has also issued an Order on Security and Protection of Human Rights Defenders.

# The Constitution guarantees the right to justice and the right to fair trial by an independent, impartial court or judicial body. Everyone is protected against arbitrary arrest and detention. All the complaints or reports of extra-judicial killings have been duly investigated, prosecuted, and penalized through the competent authority in accordance with the prevailing laws.

1. Regarding prison management, male and female prisoners are accommodated in separate blocks or rooms. Children below 18 years are sent to the child correction home. The Government has increased the amount of daily living allowances and other facilities for the prisoners. New prisons have been built with separate blocks for men, women, persons with disabilities, and LGBTI. New prison facilities have been built in six districts replacing old and dilapidated structures and accommodation space has been expanded in nine prisons. Reducing crowd in prisons and ensuring necessary facilities and safety has been given priority. Infrastructures for open prison, with 300 prisoners' capacity, have been constructed in Banke district. A new and modern facility for the central prison, with total capacity of seven thousand prisoners, is under construction in Nuwakot district.
2. Various measures have been taken to ensure the protection of prisoners during the COVID-19 pandemic. Prisoners have been provided with PPE sets, masks, and other necessary items such as soaps, sanitizers and gloves during their visits to hospitals and courts. Affected prisoners are provided medical care in designated COVID hospitals. To reduce the overcrowding, 6,672 prisoners have been released, including 340 children from correction homes.
3. Institutional and administrative measures have been strengthened against human trafficking. A total of 971 cases related to human trafficking have been registered, with the arrest of 1300 accused in the last five years. Total 1144 individual cases of human trafficking were filed in the district courts between 2015 and 2019. A separate and specialized Human Trafficking Investigation Bureau has been established under the Nepal Police in 2018.
4. Regarding documents for refugees, the Government has been issuing birth certificates, death certificates, marriage certificates, etc. to the Bhutanese and Tibetan refugees. They have received the refugee card and also received travel documents if required to travel abroad.
5. All allegations of caste based discrimination have been investigated and prosecuted. A total of 92 cases were investigated and prosecuted in the district courts between 2016 and 2019.
6. Similarly, total 2101 cases of domestic violence were filed in district courts between 2015 and 2019. Likewise, total 198 cases of child marriage were investigated and prosecuted between 2015 and 2019. Between August 2018 to December 2020, a total 112 cases of accusation of witchcraft were investigated and prosecuted in the district courts.
7. Let me to conclude by reiterating that protection of life, liberty, and dignity of a person and ensuring equality and non-discrimination are at the core of the administration of justice. In its efforts, the Government of Nepal is committed to apply human rights centric approach to ensure the enjoyment of human rights and fundamental freedoms by every individual.

Thank you!