



Check Against Delivery

date: June 7, 2011

HRC section: Item 6: Nepal UPR

Speaker: Mr. Michael Anthony

An Oral Statement to the 17th Session of the UN Human Rights Council from the Asian Legal Resource Centre (ALRC), a non-governmental organization in general consultative status

NEPAL: Government urged to tackle caste-based discrimination, extra-judicial killings, torture and impunity comprehensively

During Nepal's UPR, 24 states raised caste-based discrimination and Dalit rights. The ALRC therefore welcomes the recent endorsement by the Parliament of the 'Untouchability Bill', which criminalizes the practices of 'untouchability' in the public and private spheres, but urges the government to implement its provisions effectively. We also urge the establishment of the National Dalit Commission as a statutory body, and the development of a national action plan to address caste-based discrimination comprehensively.

Concerning extra-judicial killings, the government's rejection of key recommendations during the UPR, notably related to the OHCHR's report on the Terai region, suggests unwillingness to halt such killings. Claims by the government that it was already taking necessary measures to prevent killings, or ensure investigations and the delivery of justice, are patently false. The police refuse to register complaints; court orders for investigations are being ignored; witnesses are being threatened. We urge the government to accept and implement the recommendations made by the Czech Republic concerning the OHCHR report, Denmark concerning the establishment of an independent complaint mechanism, and Italy concerning an invitation to the Special Rapporteur on extra-judicial killings.

Concerning impunity, the ALRC is gravely concerned by the nomination of a Minister of Information and Communication against whom a murder case has been registered for his alleged involvement in the disappearance and death of school teacher Arjun Lama during the conflict. That the Home Minister is considering the withdrawal of conflict-era cases illustrates further the government's continuing failure to combat impunity.

The use of torture remains widespread, with around a quarter of detainees, including juveniles, that were interviewed in a recent study, claiming to have been tortured. This contradicts the government's claim that "there are sufficient constitutional and legal safeguards for the prevention of torture in Nepal." Not a single perpetrator of torture has ever been condemned in Nepal. While welcoming the government's commitment to criminalize torture, the ALRC urges the government to specify a timeline within which it will adopt such legislation and to guarantee that the law will clearly specify appropriate penalties; provide a witness and complainant protection mechanism; and establish a strong, independent body in charge of conducting investigations; as well as to ratify the OPCAT.

#

#

#

About the ALRC: The Asian Legal Resource Centre is an independent regional non-governmental organisation holding general consultative status with the Economic and Social Council of the United Nations. It is the sister organisation of the Asian Human Rights Commission. The Hong Kong-based group seeks to strengthen and encourage positive action on legal and human rights issues at the local and national levels throughout Asia.

