



31st Regular Session of the UN Human Rights Council
Item 6: Universal Periodic Review Plenary on Nepal

Oral Statement Delivered by R. Iniyan Ilango
On behalf of the Asian Forum for Human Rights and Development (FORUM-ASIA)

Monday, 16 March 2016

Mr. President. FORUM-ASIA appreciates that the government of Nepal has fully accepted 152 out of the 195 recommendations it received.

However we regret that among those refused, on the pretext of lack of adequate domestic infrastructure, are crucial recommendations to ratify the Optional Protocol of the Convention against Torture,¹ the International Convention for the Protection of All Persons from Enforced Disappearance² and the Rome Statute of the International Criminal Court³. This will unfortunately only help perpetuate a culture of impunity for torture and war crimes.

We express concern on the government's failure to accept recommendations on setting up an independent mechanism to investigate and prosecute security forces.⁴ Despite the government's assertion that no security personnel enjoy immunity from criminal liability for human rights violations,⁵ Nepal's government has declined to investigate violence and excessive use of force by security forces during protests in the Terai, which saw 50 dead and many more injured last year. We urge Nepal to heed the recent call by the UN High Commissioner for Human Rights to conduct an independent investigation into violence in the Terai region.

FORUM-ASIA welcomes the government's support for recommendations to amend the Commission on Investigation of Disappeared Persons, Truth and Reconciliation Act (TRC Act) in compliance with the Supreme Court ruling of 26 February 2015.⁶ However, we are concerned by the lack of political will to expedite progress towards a credible transitional justice process.

We note Nepal's response to the recommendation on same sex marriage and call on it to accelerate efforts towards implementing the Supreme Court's decision. (Recommendation 123.30)

Finally, FORUM-ASIA calls upon the government of Nepal to publicly set out a comprehensive, measurable and time-bound action plan for the implementation of UPR recommendations, in cooperation and consultation with civil society. Thank you, Mr. President.

¹ Recommendations 123.3, 123.4, 123.5 and 123.6

² Recommendations 123.10 and 123.11

³ Recommendations 123.13, 123.14, 123.15, 123.16, 123.17, 123.18, 123.19, 123.20

⁴ Recommendation 124.15

⁵ A/HRC/31/9, paragraph 131

⁶ Recommendations 122.4, 122.63, 122.28 and 123.28