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Opening remarks by Honorable Sujata Koirala, Deputy Prime Minister and Minister for Foreign Affairs, and leader of the Nepali delegation at the Tenth Session of the Human Rights Council Working Group on Universal Periodic Review, January 25, 2011, Geneva, Switzerland.

Mr. President,

Distinguished members of the Working Group,

Distinguished Delegates,

Ladies and Gentlemen,

It is a distinct privilege and honour for me to present the Universal Periodic Review (UPR) National Report of Nepal to the Working Group of the Human Rights Council. I am pleased to present members of the Nepali delegation.

My delegation is composed of the representatives from the Ministry of Foreign Affairs, Office of the Prime Minister and Council of Ministers, Ministry of Health, Ministry of Law, and Justice, Ministry of Education, Ministry of Local Development, Ministry of Peace and Reconstruction and other government departments and offices.

We consider the UPR as an important process to take an overview of human rights situation: discussing achievements, identifying constraints and challenges, and sharing best practices and experiences for improvement in the promotion and protection of human rights. We look forward to an open, sincere and constructive dialogue with the Working Group.

Nepal's National Report was prepared by a Committee formed under the convenorship of the Secretary at the Office of the Prime Minister and Council of Ministers. The Committee consisted of representatives from various sectoral ministries. To make the report inclusive, detailed and objective, several interactive meetings were organized with government institutions, National Human Rights Commission, National Women Commission, National Foundation for the Development of Indigenous Nationalities, Nepal Dalit Commission, representatives of civil society organisations, human rights community, NGOs, related stakeholders and UN agencies and international organisations including the country Office of Office of the High Commissioner for Human Rights {OHCHR-Nepal}. Seminars and workshops were held at national, regional and district levels throughout the country with civil society including media. The National report thus prepared through broadest consultations and participation has been translated into the national language for its widest dissemination.

Mr. President,

Nepal is a democratic country. Our national democratic history has been characterized by hard struggles and immense sacrifices by the people of Nepal. The popular movement of 1950 led by the Nepali Congress was a watershed in the history of Nepal that introduced the multiparty democracy for establishing the dignity and worth of the human being. However the democratic exercises suffered setbacks in the country in different periods of history. The peaceful People's Movement of 2006 was decisive in reinstating democratic values, norms and institutions, unequivocally expressing people's aspiration for peace, security and democracy, and mainstreaming the underground armed Maoist group that ran a violent insurgency from 1996 -2006.

The Comprehensive Peace Accord (CPA) of 21 November, 2006 formally ended the armed conflict. Nationally driven peace process paved the way for the establishment of the universally accepted human rights, multiparty competitive democratic system, adult franchise, periodic elections, rule of law, full press freedom, constitutional checks and balances and independent judiciary. They are the cornerstones of Nepal's peace process and democratic transformation.

The most defining feature of the peace process was the election of the Constituent Assembly which was held on April 10, 2008. The election established the supremacy of ballots over bullets. Out of 74 political parties registered with the Election Commission, 54 contested the Constituent Assembly elections and 25 of them have representation in the Constituent Assembly. Constituent Assembly is fully reflective of Nepal's social diversity for the first time in its history. The people have come to the center of governance from the periphery, exclusion, and disadvantaged zones. They now participate in constitution writing to shape their future.

The Constituent Assembly performs dual functions of writing a constitution and acting as legislature parliament. It declared Nepal as a Federal Democratic Republic on 28 May 2008, which represents a rare peaceful transformation in the contemporary history.

Mr. President,

Nepal is a multi-ethnic, multi-lingual, and multi-religious state. All citizens are equal before law. The country enjoys social harmony and rare unity in vast diversity.

The Interim Constitution of Nepal is a definitive and comprehensive catalogue of fundamental rights incorporating the rights set forth in the Universal Declaration of Human Rights of the United Nations and the rights and obligations enshrined in human rights instruments to which Nepal is a party. The constitution guarantees the rights to dignified life, liberty, freedom of speech, freedom of association, right to information, and privacy among others. It bans capital punishment. It also protects people against discrimination on the basis of certain sex, ethnic group or language or religion. Untouchability is punishable under law.

The Constitution expands social rights including right to work, education, health, and food sovereignty. It provides for economic, social and cultural justice through the progressive and inclusive restructuring of the state to bring democracy closer to the people and deepen its roots throughout the country.

Mr. President,

It has been the long standing policy of my Government to remain constructively engaged with international community. Ever since it joined the United Nations in 1955, Nepal has demonstrated its unflinching faith in the principles and purposes enshrined in the Charter of the United Nations, which constitute the basic tenets of its foreign policy.

We thank the United Nations for its works to the support of the ongoing peace process at its various stages.

Nepal strongly upholds the rights set forth in the Universal Declaration of Human Rights and principles enunciated in the UN Charter. It is also a party to core universal human rights treaties, eleven ILO Conventions including the ILO Convention 169 and many other human rights related treaties.

Nepal maintains open and constructive dialogue with the Office of the High Commissioner for Human Rights (OHCHR) including its country office, UN treaty bodies and the special procedures mandate holders and other international human rights institutions.

At the invitation of the Government, various special procedures and mandate holders have visited Nepal, namely, the Working Group on Arbitrary Detention in 1996, the Special Rapporteur on extra-judicial, summary or arbitrary executions in 2000, the Working Group on Enforced or Involuntary Disappearances in 2004, the Representative of the Secretary General on the human rights of internally displaced persons in 2005, Special Rapporteur on torture in 2005, Special Rapporteur on the situation of human rights and fundamental freedoms of indigenous peoples in 2008, and Special Representative of the Secretary General for Children and Armed Conflict in 2008 and 2009.

Nepal is a party to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. The Constitution recognizes the right against torture as a fundamental right. Any form of physical or mental torture or cruel, inhuman or degrading treatment for any reason is prohibited, and legally punishable. A victim of torture is entitled to compensation.

My Government is committed to strike a balance between peace and justice to the victims as provided in the Comprehensive Peace Accord and the Constitution. The Bills for the establishment of mechanisms for providing transitional justice have been submitted to the Parliament for its approval after being prepared with extensive consultations with all stakeholders including the OHCHR in the country.

The Government is committed to end impunity. The Special Program for Effectiveness of Peace and Security, End to Impunity and Defending Human Rights, 2009 accompanied by a code of conduct aimed at improving the law and order situation, protecting human rights and ending impunity has been implemented by the Government since July 2009.

Mr. President,

Nepal's independent judiciary stands as a core element of the institutional arrangement on human rights. The Supreme Court and entire branches of judiciary have stood exemplary in promoting and protecting human rights through various judgments. The constitution fully empowers the Nepali judiciary to issue writs for the protection and enforcement of fundamental human rights.

The National Human Rights Commission (NHRC) of Nepal is a constitutional body with full autonomy in its functioning. The Commission monitors the compliance with human rights treaties and makes proposal for compensation to be paid to victims. It has a wide array of investigatory, supervisory, directive and recommendatory powers to ensure respect for protection and promotion of human rights.

Likewise, the National Foundation for the Development of Indigenous Nationalities, National Women Commission and National Dalit Commission are also the national human rights institutions established for the promotion and protection of the human rights of indigenous people, women and *dalit* respectively.

Nepal has established anti-corruption bodies to ensure good governance. The Commission for the Investigation of the Abuse of Authority is a constitutional body mandated to investigate and prosecute the cases of corruption and improper conduct. Likewise, the National Vigilance Centre, the Special Court, Office of the Attorney General, Judicial Council, Revenue Investigation Department,

Central Arrears Collection Office, Parliamentary Committees and the Office of the Auditor General serve the various functions of ombudsmen against corruption.

The Government has introduced Labor and Employment Policy, 2006 to provide productive, non-discriminatory and decent work opportunities for citizens. Provision of equal pay for equal work is in place. Workers have the right to form and join trade unions and engage in collective bargaining. The Government has specified minimum wages for workers and employees, including agro labors.

Despite not being a party to the 1951 Convention of the Status of Refugees and 1967 Protocol, Nepal has been providing shelter for two decades to over a hundred thousand refugees from Bhutan on humanitarian ground. I would like to take this opportunity to express the sincere appreciations of my Government to the United States of America, Canada, Australia, Netherlands, Denmark, Norway, New Zealand, and the United Kingdom as the Core Group countries that have generously offered third country resettlement programme for Bhutanese refugees. My government firmly believes that the early repatriation of Bhutanese refugees to their homeland in full dignity and honor is the only lasting solution of this tragic humanitarian problem.

Mr. President,

Women constitute about half of the Nepali population. Women have participated in democratic movements, led difficult fronts during the movements and have risen to high positions both in the government and parties. I am happy to report that women's representation in the parliament is 33.23%. Important government portfolios like foreign and defense ministries are being led by women. Deputy Speaker of the Parliament is a woman. The first ever elected government in Nepal in 1959 had woman as the health minister. Affirmative actions, quotas and reservations as devised by various relevant legislations governing the civil, police, military and other services, have ensured the representation of downtrodden, marginalized, disadvantaged and underrepresented groups in all governmental institutions. I am happy to mention that the number of women has significantly increased in the annual civil service recruitment.

Political parties are required by the constitution to be inclusive in choosing their candidates for election to ensure proportionate representation of women, Dalits, indigenous tribes, people from backward regions, Madhesis and other groups in their list. At least one third of candidates must be women. People have rights to form political parties. They must show that they are democratic by having election for functionaries at least once in 5 years. They must provide their manifestoes and supply information about their sources of finance.

Nepal is a party to the Convention on the Elimination of All Forms of Discrimination against Women and its Optional Protocol. For the implementation of the Security Council Resolution 1325 (2000) on Women, Peace and Security, an action plan is being prepared to forge meaningful participation, protection and promotion of women in conflict resolution and other activities. The National Plans of Action on CEDAW and Beijing Platform of Action are being implemented. The Human Trafficking and Transportation (Control) Act, 2007 and its Regulation, 2008, which cover both cross border and internal trafficking for any purpose, are comprehensive legal instruments designed to address the issue of trafficking in person. Nepal remains committed to combating human trafficking and prosecute those found involved in trafficking activities. A national action plan against gender based violence was formulated in 2009 for effectively implementing multisectoral responses against gender violence. Government launched a yearlong campaign against gender based violence in 2010.

Nepal has ratified the Convention on the Rights of Persons with Disabilities. The right based and inclusive approach is the bedrock of the Government's policies and plans in this field. The Government has also formulated building codes requiring public buildings to be PWDs friendly.

The Government has been providing monthly allowances to senior citizens above 70 years of age - for women the age threshold is lower at 65 years. Senior citizens above 75 years of age are entitled to free medical treatment of severe diseases related to heart, kidney and cancer.

One of the important achievements made in the peace process has been the release and reintegration of child soldiers used by the Communist Party of Nepal {Maoist} in armed conflict. 4,008 minors and disqualified discharged from various cantonments are being socially and economically rehabilitated back into the society. I would like to thank the international community including the United Nations for their goodwill and cooperation and express confidence that the support will continue in days to come.

I am pleased to mention that the constitutionally mandated Special Committee has taken over the responsibilities of the integration, supervision and rehabilitation of the former Maoist combatants. The peaceful handover has set yet another example to the world, as the architect of the Nepali peace process the late G.P. Koirala said after signing the Comprehensive Peace Agreement on November 21, 2006 that 'conflict can never be settled at gunpoint, but only through dialogue and negotiation. We have shown to the world that Nepali themselves are capable of solving their problem.'

Mr. President,

We are committed to the protection and promotion of rights of the indigenous nationalities, dalit and marginalized groups. A national action plan on the ILO 169 Convention is being finalized to ensure effective implementation of the Convention. A National Dalit Rights Commission Bill designed to make the National Dalit Commission as a statutory body and further strengthen it, and a Bill on Caste-based Discrimination and Untouchability {Crime and Punishment} designed to serve as a comprehensive legislation criminalizing the offences of cast based discrimination and untouchability are being considered by the Parliament.

I am pleased to inform that every community has the right to basic education in its mother tongue, and preserve and promote its language, and script. Every citizen is entitled to free education up to secondary level. To ensure inclusiveness and gender mainstreaming in education, reservation of 45 percent of scholarships for higher education in medical sciences are available for students from community schools and belonging to vulnerable groups; extension of day nutrition program to mitigate drop-outs; provision of scholarship to *cent percent* girls at the primary level and recruitment of women teachers in a specific ratio. A literacy campaign with the slogan of "let us be literate and enhance capacity" is being launched with local level participation. Now, women teachers account for more than 27 percent (42000) in community schools. This has been possible through targeted programs.

Nepal has made significant achievements in social development in recent years despite having emerged from over a decade long armed conflict. Human Development Index (HDI) report 2010 reveals that between 1980 and 2010 Nepal's HDI value rose by 104 percent. Life expectancy grew by 19 years between 1980 and 2010, mean years of schooling by almost three years, and expected years of schooling by close to five years. The HDR 2010 attributed "Nepal's impressive advancement in HDI" to the "remarkable progress in health and education". I am pleased to mention that Nepal won the UNESCO Confucius Literacy Award 2010 for having successfully launched the literacy campaign that resulted in literating one million women in two years, through literacy campaign.

In September 2010, Nepal received the Millennium Development Goals Award from the United Nations for its exceptional progress towards MDGs 5. Between 1990 and 2006 Nepal's maternal mortality ratio declined by an impressive 67% from 850 to 281 per live births.

During the same period, under five mortality rate declined by 62% from 162 to 61 deaths per 1000 live births. For this achievement, Nepal received award for the highest average annual rate of reduction of child mortality since 1990 among all 72 Global Alliance for Vaccine and Immunisation (GAVI) countries at the fourth GAVI Partners Forum in Hanoi in November 2009.

In September 2010, Nepal expressed commitments to the United Nations Secretary General's Global Strategy for Women and Children's Health. We are committed to accelerating progress towards achieving the MDGs.

To address the severe problems of food scarcity in the remote mountainous areas of the country, the Government is making food available through the Nepal Food Corporation, a government undertaking, and other means which include 'Food for Work' and 'School Feeding' programs, among others.

Nepal's community forestry development is considered a model. It has shown that when authority is devolved to the stakeholders, it makes a vast difference. Similarly Nepal's village tourism is internationally recognized. Tourism is a major source of foreign exchange earnings and provider of employment to thousands of Nepalis. Nepal is marking 2011 a tourism year in which we expect to welcome over 1 million tourists in the country.

Mr. President,

Nepal, a land locked and least developed country, faces severe structural impediments and vulnerabilities in the expansion of its trade and economy. Poverty, ignorance and diseases pose a growing threat to the enjoyment of human rights.

Our development challenges include deficits in physical, institutional and knowledge infrastructures. Economic difficulties are mounting in the country in the post conflict situation due to several factors. increasingly competitive, and imbalanced global trading regime, food shortages and global economic and financial crises have further aggravated the plight of vulnerable and marginalized sections of society and adversely affected the enjoyment of human rights.

Nepal is vulnerable to climate change challenges. Given that Nepal is predominantly a mountainous and agricultural country; the impacts of climate change are far reaching due to the melting of Himalayan glaciers, and looming fear of glacial lake outbursts.

Mr. President,

The start of the peace process heralded a clear shift from violent activities towards peaceful means, and respects the rules of game. The process of democratic transformation has embedded a holistic and multifaceted approach for the protection and promotion of human rights. The right-based approach has gained momentum in national plans and development process. Human rights cells have been established in government ministries and all security agencies.

There has been a tremendous awareness of people across the country. People speak freely and without fear about their rights. The open, participatory, and inclusive consultations of constitution writing exercise that were taken to the countryside through public meetings, participatory workshops and several outreach programs have further widened the awareness about human rights among the

people. A free and responsible media has remained engrained in democratic movements of Nepal and stays as one of the foundation pillars of the democratic government.

Mr. President,

We received advance questions from the delegations of Switzerland, the United Kingdom, Canada, Czech Republic, Denmark, Germany, Ireland, Latvia, the Maldives, Norway and Sweden. We thank them for their interests and attention to the ongoing peace process and its various constituents related to human rights. I believe I have responded some of them, and members of my delegation will take the floor to respond to the remaining questions during the interactive dialogue.

As I said earlier we are in the midst of historic democratic transition. The unique peace process remains a model and is being held together by warring parties of yesterday. We have been working hard to leave behind the bitter legacy of armed conflict during which over 16000 people were killed, 5,800 disabled, 71,200 people internally displaced, 25,000 children orphaned, and 9000 women widowed and property including government buildings, schools, health posts, police posts, roads and bridges were destroyed. The human cost, economic cost, social and psychological cost of conflict on the general public has been incalculable. Due to time constraints, it will not be possible for me to elaborate difficulties, challenges and constraints we are confronting to overcome them.

Having entered into the democratic phase from such a background, it is encouraging that our political parties irrespective of their ideological differences remain engaged in continuous process of discussion, dialogue, and cooperation to take the peace process to positive conclusion.

We expect our friends and well wishers in the international community to understand that Nepal remains firmly committed to democratic pluralism and the promotion and protection of human rights. The people of Nepal through their arduous struggles and immense sacrifices have shown to the world that peaceful democratic movements can defeat undemocratic and unconstitutional rulers and violent insurgency. At a time when we are engaged in building national democratic institutions and developing institutional frameworks for human rights, rule of law, and constitutionalism to address the remnants of conflict period, my delegation looks forward to a candid and constructive interaction and contributions to Nepal's UPR.

Thank you very much for your kind attention.