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Universal Periodic Review: Nepal: an opportunity to translate recommendations into action

In advance of the UN Human Rights Council review of Nepal's human rights record under the Universal Periodic Review (UPR) on 25 January, Amnesty International calls on the Government of Nepal to translate its human rights commitments and obligations into a human rights action plan with concrete objectives to be implemented before its next UPR, expected to take place in 2015.

Amnesty International urges Nepal to support and implement recommendations made by UN Special Procedures and treaty monitoring bodies, by other states, by at least 20 nongovernmental organizations and by Nepal's National Human Rights Commission, submitted in advance of the review, to end impunity for past abuses and combat ongoing violations. Nepal should heed specific recommendations calling for the prosecution of suspected offenders of human rights violations committed during the country's armed conflict, including torture and ill-treatment, extrajudicial killings and enforced disappearances.

Amnesty International in its submission to the UN in preparation for the review of Nepal's human rights record, laid out its concerns about some of the most persistent forms of abuse in Nepal including: extrajudicial and summary executions; torture and other ill-treatment; arbitrary detention; violence against women and girls; and persistent discrimination based on caste, ethnicity, class, gender, disability and geography, which despite policy reforms continues to pose grave obstacles to the enjoyment of human rights, including access to justice. Nepal's failure to protect migrant workers from labour exploitation has also endangered thousands of young people seeking economic opportunities abroad.

The Nepal government's report for the UPR provides little concrete information about its efforts to stop human rights violations or ensure justice for past abuses. Instead it notes in general terms plans for legal, structural and policy reforms and strategies aimed at creating a "favorable environment" for human rights, which is described as "an overriding priority" of the Government of Nepal's governance system. On the ground, according to Amnesty International's research human rights violations go unchecked; police fail to register and investigate cases, state forces ignore court orders calling for the arrest of suspects implicated in human rights violations, and the Government continues to withdraw serious human rights cases from the courts, giving effective amnesty to its supporters and affiliates who perpetrate human rights abuses. The Government has failed consistently to act on recommendations by Nepal's National Human Rights Commission.

The interactive discussion in the UPR Working Group is an opportunity for other states to question representatives of the Nepal government closely on the specific information included in the National Report and to recommend concrete and measurable action to improve respect for human rights and to end impunity.

Amnesty International has consistently called on Nepal's legislators to ensure that legislation on enforced disappearances and truth and reconciliation meets international standards of independence, transparency and effectiveness, including by removing time limits that could inhibit the filing of complaints, ensuring witness protection and removing any provisions for

the possibility of amnesties. Amnesty International is particularly concerned that Nepal's long-awaited Commissions on Enforced Disappearances and on Truth and Reconciliation, still pending in Parliament, should not be viewed as panaceas for Nepal's impunity problems. Truth and reconciliation procedures, although important in their own right, must not replace prosecution and punishment of those responsible for crimes involving human rights violations or full reparation to victims. State action to bring perpetrators of grave human rights violations to justice must not be deferred until the eventual ratification of bills establishing these bodies.

The UPR is a unique opportunity to review the human rights record of all UN Member States and to work cooperatively with the states under review to identify measures to overcome human rights challenges and to improve the fulfilment of their human rights obligations and commitments. Amnesty International urges both Nepal and other states taking part in the UPR of Nepal to use this opportunity to agree on concrete measures to address human rights violations and to strengthen the protection of human rights in the country including formulation of a human rights action plan with specific time-bound objectives.

AI has made a number of specific recommendations to address serious and longstanding human rights violations in Nepal, see Amnesty International's submission of information for the UPR of Nepal: <http://www.amnesty.org/en/library/info/ASA31/001/2010/en>

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