

Speech of the Head of the Delegation, Nepal to the 53rd Session of the Committee on Economic, Social and Cultural Rights

Geneva, 19 November 2014

Mr. Chairperson,

Vice-Chairpersons,

Members,

Representatives from civil society and Non Governmental Organizations,

Fellow delegates,

Ladies and gentlemen,

It is an honor for my delegation to have this opportunity to present the 3rd periodic report of Nepal on International Covenant on Economic, Social and Cultural Rights to this august Committee which was prepared upon wider consultation and dialogue with National Human Rights Institutions, civil society, non-governmental organizations and other stakeholders.

Nepal's delegation warmly welcomes this opportunity to have interactive dialogue with this Committee on Nepal's efforts to fulfill its obligation under the Covenant, some of our progress and to share the challenges and constraints that we face.

My delegation includes Mr. Ramesh Dhakal, Joint Secretary of the Office of the Prime Minister and Council of Ministers, Mr. Dilli Prasad Shiwakoti, Joint Secretary of the Ministry of Finance, Dr. Teertha Raj Dhakal, Joint Secretary of the National Planning Commission Secretariat, Mr. Suresh Adhikari, Chargé d'affaires, and Madam Lalita Silwal and Ranjita Dahal, Second Secretaries of the Permanent Mission of Nepal in Geneva.

Let me start by reiterating our unflinching commitment to respect, protect and fulfill basic human rights and fundamental freedoms of all people. In keeping with commitments made by Nepal, our government highly values, and has demonstrated a high level of openness and transparency through the constructive engagement with the UN and other international mechanisms in order to make assessment on gap between commitments and achievements, and considers the work and monitoring process of this august Committee as a basis to determine the measures needed to create an enabling infrastructure and environment for the realization of economic, social and cultural rights.

Mr. Chair,

Nepal has been heading towards the constitution making process through inclusive and well represented Constituent Assembly. The political transition after a decade long armed conflict has been coming to an end bringing more stability to facilitate peace and development in the country with considerable structural transformation. The Government of Nepal's approach towards development process is gradually taking a major shift by introducing a holistic and

multi-faceted human rights based approach in development, governance and jurisprudence. Nepal's periodic development plans consider the protection and promotion of human rights, rule of law, good governance and inclusion as fundamental pillars of development. As a result, Nepal has significantly made progress in human development indices, particularly in education, health, gender equality, and information technology.

The Interim Constitution of Nepal broadens the scope of human rights and recognizes their interdependency by incorporating a bundle of economic, social and cultural rights including the right to education, the right to health, the right to employment, the right to social security, the right to food sovereignty, along with civil and political rights as fundamental rights by realizing the fact that these basic rights are inevitable for the full enjoyment of basic liberty. Similarly, the directive principles of the Constitution provides for framework on progressive realization of socio-economic rights and guidance for the successive governments to shape relevant laws and policies in line with those principles.

Mr. Chair,

The undertaking of constitutional, legal, policy and institutional framework, as well as targeted programs and court jurisprudence in an integrated manner to fulfill international obligations and commitments has established not only a normative hierarchy but also a basic foundation and environment for implementing the national priorities based on core values and pillars of human rights such as equality, freedom, human dignity, peace, justice and inclusive democracy. Legislative, executive and judicial branches have shown genuine concerns and activism within respective jurisdiction to internalize the Covenant in domestic system including careful consideration to the concluding observations and recommendations adopted by the Committee in relation to our second periodic report. The actions taken on those concerns are detailed in our present report, and we would be pleased to further elaborate on these issues today and tomorrow.

Mr. Chair,

The government has been working to strengthen the National Human Rights Institutions to perform their mandates in an autonomous and independent manner to play the role of watch dog for protection of human rights for all, particularly for the vulnerable and marginalized communities. These institutions have not only conducted awareness campaign and monitoring human rights situation but also contributed to reform laws and policies by providing specific recommendations to the government. Importantly, Human Rights Service Bill for the NHRC has been approved in principle by the Cabinet, and the Ministry of Finance has given consent on the financial Rules framed by the NHRC, paving way for requisite financial autonomy. As per the constitutional provision, competent and well-known personalities in the field of human rights and related discipline have been appointed as Chairperson and Commissioners of the NHRC. Likewise, the government has been working closely with civil society as an actor of development and social mobilization particularly for the effective utilization of local resources, raising awareness, promoting downward

accountability and for receiving inputs in order to reform measures towards the full realization of human rights.

Mr. Chairperson,

As we have mentioned in detail in the periodic report as well as in the response to the list of issues on the measures and initiatives that Nepal has taken for the implementation of the Covenant, I would like to focus on some of the significant progresses since the submission of the 3rd periodic report. A bill to criminalize sexual harassment against women at workplace recently passed by our Legislature- parliament, Human Rights Commission Act, 2012, Mutual Legal Assistance Act, 2014, Extradition Act, 2014 and Prevention of Organized Crime Act, 2014 are some principal legislation.

Some important Bills including, a Bill against witchcraft practicing, some Nepal Acts amendment Bill to end gender based violence and to maintain gender equality, Bill on Penal Code, Criminal Procedure Code, Civil Code, Civil Procedure Code, Bill on Sentencing Legislation have been submitted to the Legislature parliament. Similarly, the government is effortful to finalize a separate Bill to criminalize all kinds of harmful traditional practices against women, a comprehensive Bill to control dowry and other ill practices, Integrated Social Security Bill, employment guarantee Bill and a new Bill on children, among others.

Mr. Chairperson,

National Human Rights Action Plan, 2014 is the most comprehensive document aimed to bring about desired changes in major thematic areas specially focusing on economic, social and cultural rights. Each of the government ministries is responsible for the effective implementation of the Action Plan. Similarly, Action plan on United Nations Convention Against Corruption, 2012, National Plan of Action against Human Trafficking, 2011, National Master Plan on Elimination of Child Labour, 2011, School Sector Reform Plan, 2009, National Action Plan on Education for All, 2001, National Strategy and Action Plan on Gender Empowerment and elimination of Gender Based Violence, 2012, National Action Plan on United Nations Security Council Resolutions 1325 and 1820 of 2011, Multi-Sectoral Nutrition Plan, 2013 are being implemented which are also supplementary to the National Human Rights Action Plan. Importantly, the Government of Nepal has endorsed National Health Policy, 2014 to ensure the right to health as fundamental right of every citizen, and a procedure on health insurance has been under consideration at the Cabinet.

Nepal has made considerable achievements towards the realization of the economic, social and cultural rights through the implementation of the legislations, policies, plans and programs. Some of the achievements, among others, are:

- Improvement in economic and social development indicators;
- Gradual decrease in poverty;
- Increase in access to education, School enrollment and literacy rates.
- Increase in child immunization, access to family planning devices and services, and decrease in maternal and child mortality rates;

- Gradual introduction of citizens' charter along with compensation at the public service providing offices and efficient functioning of specialized institutions for anti-corruption initiatives;
- Establishment of policy and organizational frameworks for the rehabilitation of freed bonded labours;
- Operational mechanisms from high level to the grassroots for the effective implementation of the anti-Caste-based Discrimination and Untouchability Act to curb discrimination in practice;
- Achievement in social inclusion and gender equality by means of Gender and Social Inclusion Strategies in some of the sectors through implementation of targeted programs and multi-dimensional policy approach;
- Rescue and rehabilitation support to Gender Based Violence victims through the enactment of legislations and operation of structures and measures;
- Fast track court proceeding to deal with the cases of children and Gender Based Violence;
- Extension and systematization of social security system;

This is not an exhaustive list but just few examples to illustrate that Nepal has been heading towards positive direction and achieving some immediate outcomes.

Mr. Chairperson,

Nepal through successive periodic development plans since 1956 has shown its commitment to accelerate economic growth and distributive justice for overall wellbeing of all people. The current 13th plan is under implementation aiming to achieve millennium development goals with clear objectives, targets, benchmarks and the time frame, and with the vision to upgrade the nation from a least developed country to a developing country status by 2022 and reducing poverty from 23.8 percent to 18 percent within 2016. The current budget follows the development plan and focuses towards achieving high and inclusive growth, poverty reduction, employment generation, creating more favorable investment climate and a conducive regulatory and legal framework for overall socio-economic development through optimum and equitable utilization of available resources. Common minimum program of the current government is directed to facilitate constitution making process, accelerate economic reform and complete remaining tasks of peace process. It aimed to promoting safeguard and providing a stable and enabling environment in which both the State and market are effectively functional in consistent with the principle of human dignity and social justice since the development process of an economy mainly depend on economic as well as non-economic factors. We believe a vibrant economy with robust and inclusive growth would play a significant role not only to ensure social transfer for vulnerable and marginalized people but also to open the door of new horizon and innovation for high quality of life of each individual and household.

Mr. Chair,

Despite the unflinching commitment and efforts, Nepal has been lagging behind in full achievement of some of the targets and fulfilling its obligations. Numerous challenges and constraints have been creating obstacles towards bringing desired changes and development. Prolonged political transition after a decade long armed conflict, weak national consensus on prime economic issues, poor absorptive capacity for capital expenditure, absence of elected local bodies since long, energy crisis, low capital investment, alarming trade deficit, insufficient infrastructure, constraints of land-locked and post-conflict country, difficult geographical set-up, national economy based on subsistence agriculture, poor industrial relations and socially and culturally interwoven ill practices, among others, have always been significant threats. Despite numerous structural constraints, the government is effortful to take relevant actions to gear up the economy by stimulating its major foundations comprising hydropower, tourism, bio-diversity, enthusiastic and hardworking people for gradually shifting from aid to trade, trickle down approach to bottom up approach and politico-administrative discretion to realization the nexus between duty bearers and right holders. The strategy of the government includes broad-based inclusive and sustainable economic growth by increasing the contribution of private sector, improvement in the delivery of social services, empowerment of excluded communities and areas, promote climate change adaptive programs, benefitting from the fast economic growth of neighboring countries, effective use of foreign aid and restructuring of existing measures on development and promotion of knowledge, information and technology to address the post-2015 development agenda. While remaining aware that much is still to be achieved, we believe that we are on right track and the privilege of open and democratic regime always serves as a platform to bring changes for better improvement and to rectify the wrong course of actions, if any, where appropriate.

Mr. Chairperson,

Nepal has always been open and cooperative towards the UN human rights mechanisms and we take this Session as an interactive dialogue to share our efforts and achievements, our shortcomings and constraints, our further plans and targets to assess where we were earlier, where we stand right now and to make projection on where we want to be in future. The Committee's feed-back, comments and suggestions would be crucial to reflect upon our past actions and to mutually draw roadmap to realize economic, social and cultural rights in the future. We are hopeful to increase fruitful engagement with the Committee through interactive dialogue and reflection process and to join hands with the UN and international community in fulfilling its obligations in the coming days.

Thank you for your attention!

