



HAUT-COMMISSARIAT AUX DROITS DE L'HOMME • OFFICE OF THE HIGH COMMISSIONER FOR HUMAN RIGHTS

PALAIS DES NATIONS • 1211 GENEVA 10, SWITZERLAND

www.ohchr.org • TEL: +41 22 917 9000 • FAX: +41 22 917 9008 • E-MAIL: registry@ohchr.org

REFERENCE:KF/fup-117

16 August 2016

Excellency,

In my capacity as Special Rapporteur for Follow-up to Concluding Observations of the Human Rights Committee, I have the honour to refer to the follow-up to the examination of the second periodic report of Nepal.

At the end of its 110th, the Committee's concluding observations were transmitted to your Permanent Mission. You may recall that, in paragraph 21 of the concluding observations, the Committee requested the State party to provide within one year further information on the specific areas of concern identified in paragraphs 5, 7 and 10 of the concluding observations.

On 5th June 2015, the Committee received the follow-up report of the State party. The Committee analysed this information at its 115th session in October 2015, and adopted the following decisions:

- **Paragraph 5: (a)[B2]:** The Committee welcomes the legislative measures taken to ensure that all gross violations of international human rights law, including torture and enforced disappearances, are explicitly prohibited under domestic law. The State party should submit additional information on (i) the definitions of gross human rights violations included in the bills and whether the drafts are in full compliance with international human rights standards, including the definition of torture; (ii) the sanctions provided for such violations, including criminal sanctions; (iii) whether the drafts provide a statute of limitations for such violations; and (iv) the progress and implementation of the legislative efforts.

(b)[C1]: The State party has not provided information on actions taken to end political interference in the criminal justice system or to ensure criminal prosecutions of gross human rights violations. Information is required on (i) measures taken, since March 2014, to end all forms of political interference in the criminal justice system and; (ii) investigations conducted, since March 2014, into cases of human rights violations. The State party should also clarify to what extent the procedures mentioned by the State party to investigate and prosecute the 855 officials were conducted after March 2014. The Committee reiterates its recommendation.

His Excellency Mr. Deepak Dhital
Ambassador Extraordinary and Plenipotentiary
Permanent Representative
Fax: 022 733 27 22



(c)[B2]: The Committee requires information on whether the Commission on Investigation of Disappeared Persons and the Truth and Reconciliation Commission are already functioning and if they are provided with adequate financial and human resources to perform their functions. The State party should also provide further information on the application of the Supreme Court rulings prohibiting amnesties for gross violations of international human rights law and serious violations of international humanitarian law.

(d)[C2]: The State party repeats the information provided in its periodic report and replies to the list of issues. Information is required on (i) measures taken, after March 2014, to ensure that all victims are provided with an effective remedy, including appropriate compensation, restitution and rehabilitation; (ii) the number of victims provided with an effective remedy, since March 2014, including information on monetary compensation, restitution and rehabilitation; and (iii) the categories of victims entitled to access their rights to reparations under the Interim Relief Programme (IRP).

(e) [C2]: No new vetting mechanisms have been introduced by the State party. The Committee reiterates its recommendation.

- **Paragraph 7: [C1]:** The Committee notes the election of the Chairperson and Commissioners of the NHRC in October 2014 and requests information on the procedures by which they were selected as well as on measures taken to amend the National Human Rights Act 2068 (2012).

- **Paragraph 10: [C2]:** Concerning steps taken to prevent the excessive use of force by law enforcement officials, the Committee notes the information provided by the State party but regrets that it does not clearly specify what measures have been taken after March 2014 to implement the Committee's recommendation. The Committee reiterates its recommendation.

[B2]: Concerning measures taken to adopt legislation defining and prohibiting torture, the State party should provide information on whether the bill criminalising all forms of torture and inhuman and degrading treatment submitted to the Parliament is in full compliance with international human rights standards, including the definition of torture. The State party should also provide information on the progress and implementation of the draft law.

[C1]: Concerning the trainings on prevention and investigation of torture and ill-treatment, information is required on trainings that have been carried out or are scheduled to be carried out, their timing and length; the integration of the Istanbul Protocol into all training programmes; and the number of law enforcement officials trained and the impact of such trainings.

[D1]: The Committee regrets that the State party provides no further information on the effective investigation of alleged unlawful killings, torture and ill-treatment or the provision of effective remedies. The Committee reiterates its recommendation.

During the 117th session of the Committee, held in Geneva in July 2016, the Committee noted that information sought by the Committee had not yet been provided. Therefore, I write to request that the above-mentioned additional information be submitted at



Your Government's earliest convenience.

The next follow-up report of the Human Rights Committee will be adopted in March 2017. If the State party wishes the information referred to be taken into account on that occasion, the reply should be sent in a Word electronic version to the Secretariat of the Human Rights Committee by **1 November 2016** (Kate Fox: kfox@ohchr.org).

The Committee looks forward to pursuing its constructive dialogue with the authorities of Nepal on the implementation of the Covenant.

Please accept, Excellency, the assurances of my highest consideration.

Sarah Cleveland
Special Rapporteur for Follow-up to Concluding Observations
Human Rights Committee