

**PRESS RELEASE**

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Nepal: UN Human Rights Council Review highlights failure to deliver justice for conflict-era crimes

Five years on from Nepal's last Universal Periodic Review (UPR) and more than 14 years after the end of the country's decade-long armed conflict, victims continue to wait for truth, justice and reparations, Amnesty International Nepal said, as the country's human rights record was reviewed last week at the UN Human Rights Council.

During the second review in 2015 and the third review in 2021, Nepal claimed there was significant progress on transitional justice. However, there have been no noteworthy efforts to provide truth, justice and reparation to the victims of the conflict whose concerns remain grossly neglected.

"Nepal has made numerous commitments at international forums but has achieved little in terms of real delivery. Since the second review in 2015, there has been no significant progress on transitional justice while there is clear regression on some fundamental human rights issues," said Nirajan Thapaliya, Director at Amnesty International Nepal.

Successive governments have failed to amend the Enforced Disappearances Enquiry, Truth and Reconciliation Commission Act 2014 as ordered by the Supreme Court in 2014 and 2015, to bring them in line with international standards.

During the review last week, in addition to the unresolved issue of transitional justice, member states also questioned Nepal on many other human rights concerns such as the encroachment on the freedom of expression, association and peaceful assembly, the compromise of the independence and effectiveness of the National Human Rights Commission (NHRC), discriminatory citizenship provisions, violence and discrimination against Dalits, discrimination against LGBTI individuals, violence against women, the abuse and exploitation of the migrant workers, exclusion and marginalization of the indigenous peoples, and the widespread practice of torture.

"Nepal must address the human rights concerns raised during the review and make necessary changes to laws, policies and practice. The authorities must repeal the regressive provisions in a series of proposed laws that will likely compromise already guaranteed human rights," said Thapaliya.

Various forms of freedoms remain under threat in recent years as the government has proposed a series of laws to restrict the right to freedom of expression and to detain individuals critical of the government. Journalists have been detained simply for doing their jobs and singers have been imprisoned solely for

the content of their songs. Many individuals have been detained for peacefully expressing their opinions online or criticizing the authorities.

A series of draft laws including the Media Council Bill, the Mass Communication Bill, the Information Technology Bill, and Nepal Special Service Bill proposed by the government in the past two years contain provisions that threaten to severely restrict freedom of expression and right to privacy.

In its second review in 2015, Nepal accepted recommendations to address and eliminate caste-based discrimination. Despite enacting legislation to outlaw caste-based discrimination, violence and discrimination against Dalit people are widespread. Despite Nepal's commitment to address torture and other ill-treatment, torture is widespread and the law is inadequate.

Existing laws with some protection measures such as the laws on migrant workers' rights, rights of the Dalits, women's rights, and provisions relating to torture in the Penal Code have also been poorly implemented.

During the 2015 review, Nepal had committed to ensure the effective functioning of the NHRC in accordance with the Paris Principles, in particular by providing the Commission with adequate levels of funding and guaranteeing its independence and financial autonomy. However, there has been little action on the commission's recommendations for prosecution of cases related to crimes under international law and human rights violations. On the contrary, in April 2019, the government proposed amendments to the National Human Rights Commission Act 2012 with measures that would undermine the independence and autonomy of the NHRC and limit its jurisdiction.

The third Universal Periodic Review (UPR) cycle of Nepal was reviewed at the Human Rights Council in Geneva on 21 January 2021, as Nepal's Minister of Foreign Affairs, Pradeep Kumar Gyawali, led the virtual delegation from Nepal.

Amnesty International submitted list of recommendations on the status of human rights in Nepal prior to the UPR State Review. The recommendations can be found [here](#).