

**Human Rights Council: 31th Session**  
**Item 6: UPR Outcomes, Nepal**  
**16th March 2016**

**Oral Statement delivered by the World Organisation Against Torture (OMCT), a non-governmental organisation with general consultative status, joined by Advocacy Forum-Nepal (AF) and REDRESS**

Thank you Mr. President.

OMCT, Advocacy Forum-Nepal and REDRESS value Nepal's commitment to implement a "zero-tolerance policy against torture and ill-treatment in any form." However, torture in Nepal is still widespread, and still not made a specific crime under its criminal law.

While a bill to criminalise torture was tabled last year in Parliament, it does not fully comply with Nepal's international obligations including article 1 of the Convention against Torture. We therefore call on the Government to carry out a transparent process of revision of the Bill, and to provide a clear timeline for its adoption. We also urge Nepal to reconsider its decision to reject the recommendations to ratify OP-CAT and ICPPED, both important instruments in the fight against torture and enforced disappearance.

Mr President,

Our organisations are also deeply concerned by state authorities' repeated defiance of court orders in cases concerning human rights violations, especially when the perpetrators are members of security forces or powerful individuals, which reflects a pattern of lack of political will to ensure accountability. A blatant example is the case of Balkrishna Dhungel, a political leader convicted of murder in 2004, who still remains free. Another is the case of Maina Sunuwar, a 15-year-old girl who was tortured and killed in Army custody ten years ago. Despite court orders for the arrest and trial of soldiers, the accused remain at large. Against this backdrop, we regret the decision of Nepal not to support the recommendation to establish a much-needed independent commission for complaints against the security forces.

Despite the Government's assurance within the UPR process that the Truth and Reconciliation Commission and the Commission on Enforced Disappearances will comply with international standards, the transitional justice process remains deeply flawed and has lost the confidence of many victims, human rights activists, and international actors. We therefore urge Nepal to dissolve the existing commissions, and to start a consultative process with the aim to establish mechanisms in line with the ruling of the Supreme Court and international best practices.

Finally, we call on Nepal to cooperate fully with UN mechanisms at this point in its transition, and to issue standing invitations to the relevant special procedures to work constructively with the Government to strengthen respect for and protection of human rights.

Thank you Mr President.