



Joint Press Statement

Nepal has failed in fulfilling its international obligations with continued impunity

14 May, 2021

Kathmandu, Nepal

On the occasion of 30 years of ratification of the International Covenant on Civil and Political Rights (ICCPR), Advocacy Forum-Nepal (AF), Human Rights and Justice Centre (HRJC), Justice and Rights Institute-Nepal (JuRI-Nepal) call on the government of Nepal to fulfill its national and international human rights obligation and end continued impunity on human rights violations.

Nepal ratified the ICCPR on 14 May 1991. Five years after the ratification, Nepal witnessed the beginning of an internal armed conflict that lasted for a decade (1996-2006). The country witnessed widespread and systematic practice of gross human rights violations during the conflict. Even after the signing of Comprehensive Peace Agreement (CPA) in 2006, gross human rights violations were prevalent in the country and continue to exist till date. Today marks 30 years of ratification of the ICCPR and the implementation of the provisions of the treaty is still bleak in practice.

In October 2008, the United Nations Human Rights Committee (HRC), a mechanism under the ICCPR rendered its first decision 'Views' in an individual complaint 'Communication' ([Surya Prasad Sharma](#)) against Nepal. Since then, the HRC has decided a total of [26 cases](#) against Nepal. The cases include [various issues](#) as torture and other forms of inhumane or degrading treatment, extra-judicial killings, unfair trial, enforced disappearance, sexual violence and forced child labor among others. The recommendations from the HRC, in general include an effective and thorough investigation on the cases, prosecution and punishment to the perpetrators commensurate to the gravity of each crime, social rehabilitation, medical treatment, psychological support, adequate compensation and appropriate measures of satisfaction to the victims for the violations suffered, including a public apology. The HRC has also recommended on the preventive measures and guarantees of non-repetition as amendment of Nepali legislation in line with the international standards. The HRC further requested Nepal to translate the decisions in Nepali and disseminate it widely. Despite the progressive recommendations on each case, the government of Nepal has [minimally implemented](#) a few of the recommendations, leaving remaining recommendations in vacuum, only to increase suffering of the victims awaiting justice.

With the aim of informing the general public on these decisions and recommendations and alerting government of its unfulfilled duties, [realrightsnow](#), a website as a one-stop online platform was restructured in 2021. The website encompasses information on the cases submitted to HRC from Nepal, including [overview](#) of the cases, the Views of the HRC on [each](#) of the cases, efforts made by the victims and his/her/their legal representatives and [status of implementation](#) of the decisions, among others. The website not only functions as an information Centre but also is a reminder to Nepal government of its duties of its obligations.

In most of the conflict related cases submitted before the HRC, the government referred transitional justice mechanisms (Truth and Reconciliation Commission (TRC) and Commission of Investigation on Enforced Disappeared Persons (CIEDP) would address the violations of the related case. However, the HRC has clarified that transitional justice mechanisms cannot replace the criminal justice system in providing access to justice and redress to victims of gross human rights violations and their relatives.

In 2015, the Supreme Court of Nepal found several sections of the Enforced Disappearances Enquiry, Truth and Reconciliation Commission Act, 2071 (2014) (TRC Act) to be unconstitutional and non-compliant with Nepal's international obligations. On 26 April 2020, the Court rejected the petitions of the Government to review and revise the 2015 decision. However, no concrete steps have been taken by the government to amend the law in line with the Supreme Court's order and international human rights laws. Nepal has failed in addressing the past violations and guaranteeing non-repetition of such in the future.

In this milieu, the AF, HRJC and JuRI-Nepal call upon the government of Nepal:

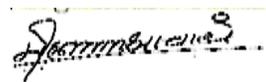
- Ensure the recommendations on each individual complaint is implemented in consultation with the respected victim(s) and their legal representatives;
- A separate mechanism under Nepal government is developed to exclusively overview the individual complaints submitted before the treaty bodies, communicate between the government and the victims, hold consultations with the victims and implement and/or order the relevant authorities to implement the recommendations accordingly;
- Ensure that a separate and independent investigative mechanisms is established to investigate the cases of serious human rights violations and ensure victims' access to truth and justice in line the order of Supreme Court;
- Ensure that other cases of gross human rights violations (conflict and non-conflict related) are addressed with willingness and in line with the decision of the Supreme Court and international standards;
- The 'TRC Act, 2014' is amended in line with the judgment rendered by the Supreme Court and in line with the international standards;
- Correct the past mistake by reappointing a new set of commissioners in TJ mechanisms in a fair and transparent manner under the revised TRC Act;
- The victims and their groups are considered core center at each decision on transitional justice mechanisms and consultations are hold periodically and transparently to address their needs and demands.



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